

DEPT. OF HUMAN SERVICES
Family & Adult Services Div.

[redacted] Social Worker
Department of Human Services
75-5995 Kuakini Hwy., Suite 523
Kailua-Kona, Hawaii 96740
Telephone: [redacted]

MAY 20 1991

Kailua-Kona, HI 96740

FILED IN OPEN COURT

1:15 o'clock P.M.
MAY 14 1991

[Signature]
Clerk

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the interest of the
[redacted] children

) FC-S No. [redacted]

) SAFE HOME GUIDELINES

) REPORT DATE:

) May 14, 1991

SAFE HOME GUIDELINES

1. THE AGE, MENTAL AND EMOTIONAL VULNERABILITY OF THE CHILDREN AND THEIR MEDICAL AND DENTAL NEEDS, DEVELOPMENTAL GROWTH, ACADEMIC LEVEL, PEER RELATIONSHIPS, PSYCHOLOGICAL ATTACHMENT TO CARETAKER, DEGREE OF TRUST WITH CARETAKER AND WILLINGNESS/FEAR OF REMAINING IN THE FAMILY HOME.

[redacted] is a healthy, normally developed [redacted] boy. Upon examination by Dr. Robert Laird on May 10, 1991 numerous dental caries were noted. When this worker interviewed [redacted] was afraid to go home. When asked who he was afraid of he said "Uncle Peter." Presently [redacted] is not attending pre-school. According to [redacted] mother, [redacted] was scheduled to begin on May 6, 1991 in Hilo.

[redacted] is a normally developed [redacted] with no known health problems. Due to [redacted] age, [redacted] cannot verbally report willingness/fear of remaining in the home.

[redacted] appear to have a close, affectionate relationship with the [redacted]. [redacted] comforted [redacted] when [redacted] appeared anxious and responded appropriately to their questions, indicating to this worker positive interaction and a genuine concern for [redacted] well-being.

[redacted] are completely dependent on adult caretakers for their day to day care and safety.

This worker has not had the opportunity to assess the psychological attachment between [redacted] and both

parents.

2. THE MAGNITUDE AND FREQUENCY OF THE HARM (WHICH INCLUDES STATED MOTIVE) AND ANY REPORTS OF REPEATED HARM AFTER INITIAL INTERVENTION BY A SOCIAL AGENCY

On May 9, 1991, this worker observed the following markings and discolorations on [REDACTED]:

- (1) a mark extending from [REDACTED] left eyebrow across the temple area to the hairline; greenish yellow approximately one and one half inch in length and one eighth of an inch wide;
- (2) a bluish line running the length of [REDACTED] left eyelid approximately one fifteenth of an inch wide;
- (3) a yellow discoloration under [REDACTED] left eyelash area approximately one half inch in diameter;
- (4) a yellowish discoloration in the middle of the left cheek about three quarter of an inch in diameter;
- (5) a yellow green mark in the lower left cheek area just above the jawline approximately one half inch in diameter;
- (6) a yellow green mark in the middle of the right cheek approximately one half inch in diameter.

A quarter of an inch yellow green mark was seen on [REDACTED] left cheek. [REDACTED] stated that he was afraid of "Uncle Peter." He added that "Uncle Peter" hits him on the legs, arms, and "okole" with his two hands and a broom. He said Peter also pulls his hair. [REDACTED] said that he has seen "Uncle Peter" hit [REDACTED] on her face, chest, and legs.

3. DATE AND REASON FOR CHILDREN'S PLACEMENT OUT OF THE HOME, DESCRIPTION, APPROPRIATENESS, AND LOCATION OF THE PLACEMENT AND WHO HAS PLACEMENT RESPONSIBILITY

<u>Beginning and End Dates of Placement</u>	<u>Where Placed (e.g. ESH, grandparents, foster home, etc.)</u>	<u>Type of Placement voluntary, or court; specify legal status</u>	<u>If Placement voluntary, who has placement responsibility</u>
5/8/1991 to present	[REDACTED]	emergency	

Although the placement is approximately 100 miles from the [REDACTED] mother's home, it is the most appropriate placement as the caretakers are [REDACTED] and have cared for [REDACTED] numerous times [REDACTED]. The needs of [REDACTED] met by this placement include an immediate, safe family-like environment which allowed for [REDACTED] to remain together.

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

There are no known evaluations at this time. DHS will request psychological testing be done.

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

██████████ made statements to this worker on May 9, 1991 and also to the standby social worker on May 8, 1991 that the mother's live-in boyfriend, Peter Kema, "spanks me, ██████████, and Mommy."

Peter Kema told the standby social worker he has been accused of breaking into a home and stealing items. This case, he added, is currently being sent to the prosecutor. He said he was previously on probation for accomplice to a burglary. A criminal history check has been requested by the DHS.

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

Peter Kema admitted to the standby social worker previously "drinking alot and smoking pot heavily".

7. IDENTIFICATION OF ALLEGED PERPETRATOR AND WHETHER THERE HAS BEEN AN ACKNOWLEDGEMENT AND/OR APOLOGY FOR THE HARM

Peter Kema has been identified by ██████████ as the perpetrator. There has been no known apology or acknowledgement of the harm.

8. WHETHER THE ALLEGED PERPETRATOR HAS BEEN REMOVED (EITHER BY COURT ORDER OR VOLUNTARILY) FROM THE FAMILY HOME AND HAS REMAINED OUT OF THE FAMILY HOME

The alleged perpetrator, Peter Kema, is still living in the family home.

9. WHETHER THE NONPERPETRATOR(S) WHO RESIDE IN THE CHILDREN'S FAMILY HOME ARE WILLING AND ABLE TO PROTECT THE CHILDREN

Besides the mother, there are no nonperpetrators in the home.

10. SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILDREN'S FAMILY

The [REDACTED], are willing and able to protect [REDACTED]. They have accepted caretaking responsibilities on numerous occasions since [REDACTED] were born.

11. **THE WILLINGNESS AND ABILITY OF THE CHILDREN'S FAMILY TO SEEK OUT AND COOPERATE WITH SERVICES RECOMMENDED/COURT-ORDERED TO PROVIDE A SAFE HOME INCLUDING DEMONSTRATING APPROPRIATE PARENTING SKILLS, OVERCOMING OBSTACLES TO GETTING SERVICES AND MAINTAINING CONTACT WITH COMPETENT PERSONS WHO CAN RECOGNIZE AND REPORT PROBLEMS**

Jaylin told this worker that she sought out counseling services at Queen Liliokulani Children's Center because "I needed help, I was young and needed to know how to take care of my children."

12. **THE WILLINGNESS AND ABILITY OF THE CHILDREN'S FAMILY TO RESOLVE SAFETY ISSUES WITHIN THE FAMILY HOME THROUGH EFFECTING POSITIVE ENVIRONMENTAL AND PERSONAL CHANGES WITHIN A REASONABLE PERIOD OF TIME**

Jaylin does not believe there are safety issues in her home that require resolution.

13. **THE CARETAKER'S DEMONSTRATED ABILITY TO UNDERSTAND THE CHILDREN'S EMOTIONAL AND PHYSICAL NEEDS, PERCEPTION OF THE CHILDREN AND PSYCHOLOGICAL ATTACHMENT**

According to Dr. Kunz, who has known Jaylin since her first pregnancy, Jaylin "appeared to have a casual attitude toward the caretaking responsibilities required of her and the bonding between she and her [REDACTED] was questionable."

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

Based on information from and observations of [REDACTED], as well as information from other sources, there are indications to this worker that Jaylin is currently unable to provide a safe home for [REDACTED] and [REDACTED].

In view of Jaylin's willingness to seek out counseling services it is difficult to understand why she is refusing to acknowledge [REDACTED] fear of and need for protection from her live-in boyfriend, Peter Kema.

Jaylin gave birth to a third child on May 1, 1991. On that date the child, Peter Jr., was transferred to Kapiolani

Hospital in Honolulu and was admitted with a diagnosis of Respiratory Distress Syndrome. As a result of this condition, the newborn will require constant monitoring and assessment by Jaylin. This specialized care and involvement required of Jaylin places this young, single mother in an extremely stressful situation. This will decrease even further her ability to protect her [REDACTED] children from her live-in boyfriend.

Recommendations:

1. That foster custody be awarded to DHS and the children remain in their current placement [REDACTED]
2. That psychological evaluations be arranged by the DHS for Jaylin and Peter;
3. That Peter undergo a drug and alcohol assessment;
4. That both Jaylin and Peter participate in the Alternatives to Violence program;
5. That a court ordered service plan for Jaylin and Peter be implemented.

DATED: May 14, 1991, Kailua-Kona, Hawaii

Respectfully submitted,

[REDACTED]
DHS Social Worker

across the temple area to the hairline; greenish yellow in color; approximately one and one half inch in length and one eighth of an inch wide; (2) a bluish line running the length of [REDACTED] left eyelid; approximately one fifteenth of an inch wide; (3) a yellow discoloration under [REDACTED] left eyelash area; approximately one half inch in diameter; (4) a yellowish discoloration in the middle of the left cheek about three quarter inch in diameter; (5) a yellow green mark in the lower left cheek area just above the jawline approximately one half inch in diameter; (6) a yellow green mark in the middle of [REDACTED] right cheek about one half inch in diameter. The marks just described, with the exception of item (2) were faint indicating to this worker that they were not recently inflicted.

[REDACTED] told this worker that "Uncle Peter" (mother's boyfriend) hits [REDACTED] on the legs, arms, and "okole" with [REDACTED] "two hands" and a broom. [REDACTED] said Peter also pulls [REDACTED] hair. [REDACTED] then described once having blood on [REDACTED] head and [REDACTED] said [REDACTED] went to the hospital for this injury but was unclear as to how the injury occurred. [REDACTED] said that [REDACTED] has seen "Uncle Peter" hit [REDACTED] on [REDACTED] face, chest, and legs. [REDACTED] told this worker that [REDACTED] is afraid of "Uncle Peter". At this point [REDACTED] covered [REDACTED] face with [REDACTED] hands and started to sob. [REDACTED] was unable to continue with the interview and asked for [REDACTED]

[REDACTED] A quarter inch yellowish/greenish mark was observed on [REDACTED] left cheek. No other marks or bruising were observed on [REDACTED] body.

On May 8, 1991 the DHS standby worker, [REDACTED], interviewed the [REDACTED] mother, Jaylin Acol, and her live-in boyfriend, Peter Kema. Both caretakers denied hitting or harming [REDACTED] and attributed the bruising to accidents, i.e., falling down stairs, backing into tables, falling off jungle gyms and merry-go-rounds. Peter admitted to previously "drinking alot and smoking pot heavily." Peter said he was accused of breaking into a home and stealing items. He said the case is currently being sent to the prosecutor. He added he was previously on probation for accomplice to a burglary.

Jaylin has given no justifiable explanation for the [REDACTED] injuries and she denies [REDACTED] has been hit by her live-in boyfriend. The DHS does not believe that the facial bruising on [REDACTED] was justifiably explained by active child play.

[REDACTED] Jaylin Acol, is a 21 year old single parent. She recently gave birth to a third child who is currently at Kapiolani Hospital in Honolulu. Peter is the father of that child. Although Jaylin seems concerned about all her [REDACTED] she is in complete denial regarding the possibility that her live-in boyfriend may have harmed the [REDACTED]. Currently, she does not seem able to protect her [REDACTED], and the [REDACTED] are at serious risk of harm if returned to the home of the mother and her boyfriend.

[REDACTED] father, [REDACTED] visited with [REDACTED] when [REDACTED] previously resided in Kona.

However, he has never assumed responsibility for their care and has not provided financial support. It is not known if he is currently willing and/or able to provide a safe family home for them.

2. The above-named [REDACTED] come within the provisions of Sections 571-11, and 587-1, Hawaii Revised Statutes (hereinafter "HRS"), because the children were found within this State at the time the facts and circumstances occurred, were discovered, or were reported to the DHS.

3. Further, that based upon consideration of the guidelines set forth in Section 587-25, HRS, the above-named [REDACTED] family is not presently able to provide [REDACTED] with a safe family home.

4. The above-named [REDACTED] are currently under the temporary foster custody of the DHS, and the following information relates to the type and nature of the emergency foster care, the date [REDACTED] were placed in temporary foster custody and the circumstances necessitating such care:

[REDACTED] and [REDACTED] were taken into protective custody by the Kona Police on May 8, 1991. Custody of the [REDACTED] was immediately turned over to the DHS who placed them in the home of [REDACTED]

Continued placement in emergency foster care is necessary to protect the children from harm.

5. The following information relates to the children above-referenced:

Name: [REDACTED]
Date of Birth: [REDACTED]
Place of Birth: Kona, Hawaii
Sex: Male
Residence Address: [REDACTED]
[REDACTED]
[REDACTED]

Name: [REDACTED]
Date of Birth: [REDACTED]
Place of Birth: Kona, Hawaii
Sex: Female
Residence Address: [REDACTED]
[REDACTED]
[REDACTED]

6. The names and last known residence addresses of the persons required to be notified or who are to be made parties to this proceeding pursuant to Section 587-32, HRS, are:

- a. Mother: Jaylin Acol
28-2926 Kumula St. #Q26
Pepeekeo, Hilo, HI.
- b. Father: [REDACTED]
- c. Mother's live-in boyfriend: Peter Kema
28-2926 Kumula St. #Q26
Pepeekeo, Hilo, HI.

WHEREFORE, it is prayed:

1. That an inquiry be made into the foregoing allegations;

2. That such action be taken within the provisions of Section 571-11(9) and Chapter 587, HRS as may appear to serve the best interests of [REDACTED] including but not limited to:

a. Temporary foster custody of t [REDACTED] be awarded to the DHS;

b. Jurisdiction over [REDACTED] and other appropriate family members be established;

c. An appropriate service plan be ordered, and if the family members become willing and able to provide [REDACTED] [REDACTED] with a safe family home without the assistance of a service plan, that the case be terminated; or

d. If the family members are not willing and able to provide the child with a safe family home, even with the assistance of a service plan, within a reasonable period of time, that the family members' respective parental and custodial duties and rights be terminated by an award of permanent custody, a permanent plan be ordered, and the child be subject to being placed for adoption; and

3. That the Court make such other appropriate orders as are in the best interests of [REDACTED]

The undersigned Petitioner does hereby declare, under penalty of perjury, that the statements made herein are true and correct to the best of Petitioner's information and

belief; as to those matters, the Petitioner believes them to be true.

A large, solid black rectangular redaction covers the signature area of the document.

DHS Social Worker

COPY

STATE OF HAWAII
FAMILY COURT
THIRD CIRCUIT

SUMMONS FOR APPEARANCE OF:
 CHILD PARENT PARTY
HAWAII REVISED STATUTES CHAPTER 587

CASE NUMBER
FC-S NO. 91-048

IN THE INTEREST OF

KEMA, PETER JR.
Born on May 1, 1991

THE STATE OF HAWAII
TO: Jaylin Acol
Peter Kema Sr.

The attached petition was filed in this court by the Department of Human Services alleging that you/the above-named child come(s) within the purview of the HRS Chapter 587, The Child Protective Act. The purpose of this Chapter is to protect children from harm and to provide them with a safe home, either with their families or with permanent placement in another competent, substitute family.

To the parents of the above-named child:

YOU ARE HEREBY NOTIFIED THAT YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS. IF YOUR PARENTAL RIGHTS ARE TERMINATED, YOU WILL LOSE RIGHTS TO THE CARE AND CUSTODY OF YOUR CHILD; YOUR CHILD MAY BE PLACED FOR ADOPTION. IF YOU FAIL TO APPEAR AT THIS HEARING, FURTHER ACTION WILL BE TAKEN WITHOUT FURTHER NOTICE TO YOU.

Hearing is set before the Presiding Judge at the date, time and place indicated below:

DATE	July 17, 1991	TIME	9:30 AM
PLACE	Family Court 345 Kekuanaoa Street Hilo, HI 96720		
PRESIDING JUDGE	Honorable Ben Gaddis		

YOU ARE HEREBY COMMANDED to appear

- personally;
- and to bring the child(ren), if within your custody and control, before the Family Court at the time and place stated.

Note: HRS SECTION 571-24 provides that any person summoned "who, without reasonable cause, fails to appear, may be proceeded against for contempt of court."

In a Family Court proceeding any child or parent may be represented by an attorney, and the presence at the hearing of an attorney employed by any of the parties will be welcomed. If a family cannot afford an attorney, this should be discussed with a court officer as it is possible in some instances for the Court to appoint an attorney for the parent or other party.

JUL 8 1991
 JULENE L. OHA
 CLERK
 ISSUED
 1991 JUL -8 A 11:56
 THIRD CIRCUIT
 STATE OF HAWAII

DATE
JUL 8 1991

CLERK OF THE COURT
J. LEIALOHA (SEAL)

B. Under the circumstances that are presented by this case, reasonable efforts were made by the DHS prior to the placement of [REDACTED] out of the family home to prevent or eliminate the need for removal of [REDACTED] from their family home.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. [REDACTED] shall remain under the temporary foster custody of the DHS pursuant to HRS 587-53;
2. [REDACTED]'s mother shall be allowed supervised visitation with [REDACTED] at least once a week. During the next thirty day period, [REDACTED] shall be taken to Hilo to visit with their mother on two weekends, and [REDACTED] mother shall come to Kona to visit [REDACTED] on the other two weekends. The DHS has agreed to provide gas money to the children's mother so she can travel to Kona;
3. PETER KEMA shall not be allowed visitation with the children at this time;
4. The DHS shall initiate a study of the home of the children's mother in Hilo;
5. JAYLIN ACOL and PETER KEMA shall each individually undergo a psychological evaluation as arranged by the DHS with copies of the resultant report to be provided to the Court and to all the parties;
6. The DHS shall prepare a proposed service plan which shall be distributed to all parties prior to the next court hearing;
7. The DHS shall remind [REDACTED] that they are not to make disparaging remarks about [REDACTED] parents, and [REDACTED] parents are not to make disparaging remarks about the [REDACTED] and
8. All parties are ordered to appear for a disposition hearing which shall be held on June 24, 1991 at 2:00 o'clock p.m. at the Family Court of the Third Circuit, Kona Division, Lender's Document Service Building, 77-6399 Nalani Street, Kailua-Kona, Hawaii.

DATED: Kona, Hawaii. Nunc pro tunc to May 24, 1991.

Greg K. Nakamura

SEAL

Judge of the Above-Entitled Court

COPY

WARREN PRICE III 1212
Attorney General

NOLAN CHOCK 2212
Deputy Attorney General
State of Hawaii
Captain Cook, Hawaii 96704
Tel. No. 323-2022

Attorneys for the Department
of Human Services

THIRD CIRCUIT COURT
STATE OF HAWAII

1991 JUL -8 A 11:36

JOLENE L. LAM
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of
the [REDACTED] Children

FC-S No. [REDACTED]

ORDER TERMINATING TEMPORARY
FOSTER CUSTODY AND SETTING
SERVICE PLAN HEARING

ORDER TERMINATING TEMPORARY FOSTER CUSTODY
AND SETTING SERVICE PLAN HEARING

The above-entitled matter came on for hearing on June 24,
1991 before the Honorable Greg K. Nakamura. The children's
mother, JAYLIN ACOL, was duly notified of the hearing. The
[REDACTED] was also duly notified of the
hearing.

Present at the hearing were:

[REDACTED]
mother
mother's boyfriend
attorney for mother
children's guardian ad litem
DHS social workers
attorney for the DHS
[REDACTED]

[REDACTED]
JAYLIN ACOL
PETER KEMA
VICTOR COX
LeROY BOYCE
[REDACTED]
NOLAN CHOCK
[REDACTED]

The following exhibits were admitted into evidence and
made a part of the record:

Petitioner's "1"

Safe Home Guidelines filed on
May 14, 1991

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

[Signature]

Petitioner's "2"

Police Report D-57634 from Officer Harley Hee dated 5/8/91

Based on the agreement of the parties and the records and files of this case, and having fully considered the representations of the parties at the hearing, the Court finds as follows:

A. [redacted] mother, Jaylin Acol, is currently willing and able to provide the [redacted] with a safe family home, with the assistance of a service plan.

B. There exists an adequate basis to invoke Family Court jurisdiction over the minor children and the parties to this case due to physical harm or threatened harm to the children.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Temporary foster custody shall terminate and [redacted] shall be placed with their mother, Jaylin Acol, under the family supervision of the Department of Human Services (hereafter "DHS");

2. [redacted] and [redacted] and the parties to this case shall come under the exclusive jurisdiction of the Family Court pursuant to HRS sections 587-11 and 571-14(9);

3. The DHS shall complete the home study of the home of the children's mother in Hilo;

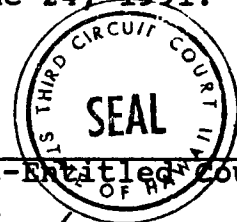
4. [redacted] mother, Jaylin Acol, shall ensure that [redacted] receive continuous supervision by a responsible adult, and shall immediately report any harm to either or both of the children, whether intentional or accidental, to Child Protective Services;

5. The DHS shall prepare a proposed service plan which shall be distributed to all the parties prior to the next court hearing; and

6. All parties are ordered to appear for a service plan hearing which shall be held on July 17, 1991 at 9:30 o'clock a.m. at the Family Court of the Third Circuit, Hilo Division, Waiakea Office Plaza, 345 Kekuanaoa Street, Hilo, Hawaii.

DATED: Kona, Hawaii. Nunc pro tunc to June 24, 1991.

B.K.L.



Judge of the Above-Entitled Court

2. subject to approval by the Administrative Family Court judge and the receiving judge, the forum of this case shall be transferred to the Hilo Division of the Family Court of the Third Circuit.

In the Interest of [REDACTED] and [REDACTED]
FC-S Numbers [REDACTED]
Order Terminating Temporary Foster Custody and Setting Service
Plan Hearing
Page 3

APPROVED AS TO FORM:

Victor W. Cox

VICTOR COX

Leroy Boyce, formerly

LERROY BOYCE

[REDACTED]

COPY

[REDACTED], Social Worker
Department of Human Services
State of Hawaii
75 Aupuni Street
Hilo, Hawaii 96720
Telephone: [REDACTED]

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
JUL 12 1991
CLERK

Petitioner

A Confidential Report of the
Department of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of)
[REDACTED])
[REDACTED])
[REDACTED])
[REDACTED])
[REDACTED])
KEMA, PETER JR.)
Born on May 1, 1991)
Children under the age of)
eighteen years.)

FC-S No. [REDACTED]
91-048
SUPPLEMENTAL REPORT-SAFE HOME
GUIDELINES (HRS 587-40);
EXHIBIT A; SERVICE PLAN
AND AGREEMENT
JUDGE: BEN H. GADDIS
HEARING: JULY 17, 1991
9:30 A.M.

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 the 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.

SUPPLEMENTAL REPORT - SAFE HOME GUIDELINES (HRS 587-40)

Date: July 2, 1991

The following information concerns the current information relevant to each of the twenty seven guideline criteria set forth in HRS 587-25. (Numbers in guideline title indicate numbers as set forth in statute.) This report is intended to be

reviewed in conjunction with each of the prior reports, submitted in this case, prepared by DHS Social Worker [REDACTED], dated May 14, 1991.

1. THE AGE, MENTAL AND EMOTIONAL VULNERABILITY OF THE CHILD AND HIS/HER MEDICAL AND DENTAL NEEDS, DEVELOPMENTAL GROWTH, ACADEMIC LEVEL, PEER RELATIONSHIPS, PSYCHOLOGICAL ATTACHMENT TO CARETAKER, DEGREE OF TRUST WITH CARETAKER AND WILLINGNESS/FEAR OF REMAINING IN THE FAMILY HOME. (#1, #16, #18A, #18b, #21)

[REDACTED] is [REDACTED] and, as previously reported, appears to be appropriately developed for his age. He reportedly requires dental attention. Reports from his caretakers in Kona indicate a reluctance on his part to leave his [REDACTED] home and return to his mother and stepfather. The cause of this reluctance is not clear to the DHS at this time.

[REDACTED] is [REDACTED]. The prior report indicates she does not present any known health or developmental problems. No report concerning [REDACTED] reaction to returning home is known to DHS at this time.

Peter Kema, Jr. is 57 days old. He was diagnosed with Respiratory Distress Syndrome shortly after birth. He was then transferred to Kapiolani Center for Women and Children (KCWC). Mother went to KCWC on May 17, 1991, and received training in Cardiopulmonary resuscitation (CPR) and managing an apnea monitor for Peter, Jr. She and the infant returned to Pepeekeo on May 17, 1991. His care is monitored by Dr. Hoon Park, MD, and a Public Health Nurse.

In the afternoon of June 26, 1991, [REDACTED] and [REDACTED] were transported to the Hilo DHS office by their [REDACTED] and [REDACTED]. After separate meetings with parents and [REDACTED], the physical custody of the children was successfully changed from [REDACTED] to parents with the assistance of their [REDACTED]. Neither [REDACTED] nor [REDACTED] displayed any fear or reluctance toward Ms. Acol or Mr. Kema. After a brief period to reacquaint and meet Peter Jr., whom they had not seen, the family went home to Pepeekeo.

2. THE MAGNITUDE AND FREQUENCY OF THE HARM (WHICH INCLUDES STATED MOTIVE) AND ANY REPORTS OF REPEATED HARM AFTER INITIAL INTERVENTION BY A SOCIAL AGENCY. (#3, #4, #5)

The current complaint of physical abuse to [REDACTED] and [REDACTED] was received by the Kona Child Protective Services on May 8, 1991, at 3:30 p.m. [REDACTED] their

[redacted] [redacted] their mother, Jaylin Acol, and boyfriend (father to Peter Kema Jr.) Peter Kema, Sr. were interviewed by CPS worker, [redacted], at approximately 10:00 p.m that day.

The extent of the harm was reported previously.

There are no prior contacts for services or CPS reports known to the DHS.

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)

<u>Date of Placement</u>	<u>Where Placed</u>	<u>Type of Placement</u>	<u>Reason for Placement</u>
[redacted] and [redacted]			
5/8/91-	[redacted]	Protective	Confirmed physical
5/14/91	[redacted]	Custody	Abuse
5/14/91-	Same	Temporary	
6/26/91		Foster Custody	
6/26/91	Mother & boyfriend	Temporary Family Supervision (6/24/91)	Transfer to Hilo/ services reduced risk

[redacted] and [redacted] were placed in Protective Custody, in the care of their [redacted], on May 8, 1991, as the investigating Social Worker was not able to effect services to reduce the risk of harm in the family home immediately. The [redacted] home is approximately 100 miles from the mother's home, but is known to [redacted] and was considered the least disruptive alternative for [redacted] at that time.

Subsequent to [redacted] placement: mother received specific training for the medical care of the infant, Peter; mother and infant returned to the family home; a Temporary Foster Custody hearing was held on May 14, 1991; and father of [redacted] was noticed and appeared on 6/24/91; referral from Kona CPS to Hilo CPS for assessment and service provision was effected; and the children were returned to the family home on 6/26/91 with Family Court approval under Temporary Family Supervision and a Service Plan hearing date set for Hilo on July 17, 1991.

4. THE RESULTS OF PSYCHIATRIC/PSYCHOLOGICAL/DEVELOPMENTAL EVALUATIONS OF THE CHILD, THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES. (#7)

Psychological evaluations for Ms. Jaylin Acol, mother, and for Peter Kema Sr., father of Peter Jr., are arranged for August 15, 1991, at 12:30 PM and 2:30 PM respectively, in the Hilo DHS office, with Dr. John Wingert, PhD. Additionally, counselling has been arranged by the parents with Dr. Kit Barthel, PhD. to begin the week of July 1, 1991.

5. 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. (#8)

There are no specific reports of domestic violence, aside from the current report of physical abuse. Mr. Kema and Ms. Acol did discuss the possibility of attending the Alternatives to Violence Program with the social worker on June 26, 1991, at their request. The preliminary assessment to indicate referral to ATV is not necessary at this time, but may be appropriate if less intrusive "decision making/anger management" treatment is not sufficient. The known level of dispute does not appear to include physical confrontation.

6. WHETHER THERE IS A HISTORY OF SUBSTANCE ABUSE BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE CHILD'S FAMILY HOME. (#9)

Mr. Kema admitted past substance abuse, and stated he had been "clean" for months. He requested urinalysis, and Ms. Acol supported that request. This social worker recommended participation in a group of people who were also trying to stay clean, like Alcoholics Anonymous, in order that he may be able to change his group of friends, and Mr. Kema and Ms. Acol indicated they felt that might be helpful.

7. IDENTIFICATION OF ALLEGED PERPETRATOR(S) AND WHETHER THERE HAS BEEN AN ACKNOWLEDGEMENT AND/OR APOLOGY FOR THE HARM. (#11, #12, #13)

Mr. Peter Kema, Sr. was identified as the perpetrator of harm by the investigating social worker. Mr. Kema denies harming the children, and thus, there is no known apology.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS BEEN REMOVED (EITHER BY COURT ORDER OR VOLUNTARILY) FROM THE FAMILY HOME AND HAS REMAINED OUT OF THE FAMILY HOME. (#15)

Mr. Kema has not been removed from the family home. The children were removed, as noted in #3 above.

9. WHETHER THE NONPERPETRATOR(S) WHO RESIDE IN THE CHILD'S FAMILY HOME ARE WILLING AND ABLE TO PROTECT THE CHILD. (#10)

The injuries allegedly occurred while the mother, Ms. Acol, was out of the home in the hospital. As there have been no prior reports of harm to the children, Ms. Acol can be considered willing and able to protect the children at this time.

10. SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY. (#26)

Both Mr. Kema and Ms. Acol report having family, parents and siblings, who reside on the island of Hawaii. They both report being estranged from those family members at present. During the interview of 6/26/91, these parents presented this distance as feeling necessary for them in order to establish their own family, without what they perceive as frequent interference by their extended families. The desirability of learning how to include the extended family in their lives was discussed at length during this interview.

Ms. Acol and Mr. Kema have discussed the needs of the [REDACTED] to maintain contact with "significant others", namely [REDACTED] even though Ms. Acol and Mr. Kema have differences with them. They have agreed to suggest a plan for visiting between the [REDACTED] and the children in order to maintain those ties.

11. THE WILLINGNESS AND ABILITY OF THE CHILD'S FAMILY TO SEEK OUT AND COOPERATE WITH THE SERVICES RECOMMENDED/COURT-ORDERED TO PROVIDE A SAFE HOME INCLUDING DEMONSTRATING APPROPRIATE PARENTING SKILLS, OVERCOMING OBSTACLES TO GETTING SERVICES AND MAINTAINING CONTACT WITH COMPETENT PERSONS WHO CAN RECOGNIZE AND REPORT PROBLEMS. (#16, #18C, #18D, #18E, #23, #24, #25, 27)

Ms. Acol has engaged in services through The Queen Liliuokalani Children's Center previously. The duration, nature, and extent of these services is not yet known to the DHS.

Ms. Acol and Mr. Kema initiated contact with Dr. Kit Barthel to engage in counselling. The couple has appeared receptive to Child Protective Services, and the recommended services including Parenting, Mother support group, respite care, MIST,

from Family Support Services, as well as services from a Public Health Nurse and a Family Services Assistant, and urinalysis and group participation for substance abuse. They have agreed to participate in a psychological evaluation, as noted previously.

Mr. Kema and Ms. Acol have taken an active role in developing a series of services for their family, to be detailed in the Service Plan.

The couple currently has transportation which they consider reliable, albeit expensive for gasoline. Their stated goal is to trade the current vehicle for a less costly one. They indicated attending services in Hilo would not be overly difficult, with prior planning.

[REDACTED]

Mr. Kema indicates he is anxious to gain full-time employment, and expressed concern that such employment may interfere with participation in services.

12. THE WILLINGNESS AND ABILITY OF THE CHILD'S FAMILY TO RESOLVE SAFETY ISSUES WITHIN THE FAMILY HOME THROUGH EFFECTING POSITIVE ENVIRONMENTAL AND PERSONAL CHANGES WITHIN A REASONABLE PERIOD OF TIME. (#17, #22)

Ms. Acol and Mr. Kema have appeared willing to work with the DHS to address the family stressors, and the concerns raised by CPS. Ms. Acol has worked with KCWC to address the health needs of Peter Jr. The family's ongoing willingness and ability will need to be assessed as services to the family progress.

13. THE CARETAKER'S DEMONSTRATED ABILITY TO UNDERSTAND THE CHILD'S EMOTIONAL AND PHYSICAL NEEDS, PERCEPTION OF THE CHILD AND PSYCHOLOGICAL ATTACHMENT. (#19, #20, #21)

Ms. Acol and Mr. Kema appear to understand the needs of [REDACTED] and [REDACTED] to maintain contact with their [REDACTED], even though the parents are not on friendly terms with the [REDACTED] at the moment. The apparently inadequate degree of dental care, as evidenced by [REDACTED] dental caries, presents a concern about the level of ongoing medical care for the children and the parents' understanding of the need. Neither child appears to display developmental delays, nor inadequate nutrition. Ms. Acol reported that Dr. Hoon Park is the children's pediatrician, and that a dental appointment for [REDACTED] is scheduled for July 15, 1991.

██████████ and ██████████ readily engaged both Ms. Acol and Mr. Kema upon reunification. There were no behavioral indications of separation anxiety with ██████████ nor fear of the parents, suggesting from this worker's observation that these children feel safe and comfortable with both sets of caretakers.

Observation of the care of Peter Jr. by both Mr. Kema and Ms. Acol presents no immediate concerns about his care, feeding, handling, or attachment. Each parent appeared to hold the infant appropriately, well supported, generally facing them or resting on their torso or shoulder, making gradual non-abrupt movements, mixing feeding with eye contact and touching and cooing, and ensuring the infant was warm, but not bound. Each parent described his care as demanding, but rewarding. A system had apparently been worked out between the parents which provided for the infant's care while allowing each parent to attempt sufficient sleep.

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

The family of Ms. Acol and Mr. Kema appears as a fairly typical young, blended family. The youth and relative inexperience at parenting for the adults, combined with ██████████ under the age of 5 years old, provides a multitude of stresses for the young parents. The additional stress of the infant suffering from Respiratory Distress Syndrome, requiring apnea monitoring, escalates the stress.

Mr. Kema and Ms. Acol appear to be functionally able to participate in services, and appear to be reasonably motivated to participate in services. They have, to date, played an active role in defining and developing the services aimed at reducing the stress and improving their abilities as parents.

RECOMMENDATION:

As Ms. Jaylin Acol, mother of ██████████, and Mr. Peter Kema Sr., father of Peter Kema Jr., appear to be able and willing to provide the children with a safe family home with the assistance of a Service Plan, we respectfully recommend:

1. that the Family Court take jurisdiction of the children;
2. that Family Supervision of ██████████, ██████████, and of Peter Kema Jr. be awarded to the DHS;
3. that the Service Plan dated June 27, 1991 be ordered;

4. that the court find that the DHS has made and is continuing to make reasonable efforts to maintain ~~the child~~ in the family home; and
5. that a hearing to review the Service Plan be set no later than six (6) months from the date of this hearing.

DATED: Hilo, Hawaii July 2, 1991.

Respectfully submitted,

~~_____~~
~~_____~~ SW IV
Petitioner

MH:cis

5/31/91

REASONABLE EFFORTS CHECKLIST

1. Did DHS respond to current CAN report within prescribed guidelines? (SHG #2)
2. Was face to face contact with involved parties made within prescribed guidelines? (SHG #2)
3. Have problems confronting the family been identified in the following areas? When?

<ul style="list-style-type: none"> -medical/health (SHG #1 & 12) -psychological/social (SHG #1,4,10 &12) -environmental (SHG #12) -educational (SHG #1 & 12) -developmental (SHG 1 & 12) 	<ul style="list-style-type: none"> -therapeutic family support (SHG #4,10) -financial (SHG #12) -housing (SHG #11) -transportation (SHG #11)
---	--
4. Has the family been offered, or received, preventative or protective services fro DHS or elsewhere prior to this contact? (SHG #2 & 11)
5. Did the family ask for additional and/or different services? Which ones? Are they appropriate? If they are, is the social service agency providing these services? If not, why? (SHG #11)
6. Were alternatives to placement considered prior to placement? (If so, detail considerations) (SHG #3)
7. Were the alternatives appropriate to reduce the risk of harm to the children? (SHG #3, 8, 9, 10)
8. Were the alternatives acceptable to the family? (SHG #11, 12, 14)
9. Is the placement appropriate to meet the child's needs? (SHG #3, 14)
10. Have services to reunify the family been considered? (If so, detail considerations) (SHG #11 & Attachment 2)
11. Has the family agreed, or been court ordered, to participate in services to maintain intact, or to reunify, this family? (SHG #11 & 14)
12. Has the family demonstrated progress toward reunification? (SHG #11, 12, 13 & 14)
13. Has a plan for permanent placement of the child(ren) been developed within 18 months of out of home placement? (SHG #14)

EXHIBIT A

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

SERVICE PLAN AND AGREEMENT

Date: June 27, 1991

Child's name: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]
[REDACTED] [REDACTED]
Kema, Peter Jr. 05/01/91 91-048

This Service Plan and Agreement is between Ms. Jaylin Acol, mother, Mr. Peter Kema Sr., father of Peter Kema Jr., and the Department of Human Services.

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] and [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema Jr., as the perpetrator of harm to [REDACTED] and [REDACTED]. The physical abuse appeared to be "over discipline" which occurred while mother, Jaylin Acol, was hospitalized with the birth of her third child, Peter Jr.

[REDACTED] and [REDACTED] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991. Continuing assessment of the family's needs indicates significant stress on a young, relatively inexperienced family, which continues a threat of harm to [REDACTED]

This Service Plan and Agreement is intended to reduce the family stress and the risk of harm to [REDACTED]. Justification for the services addressed in this plan is contained in the Safe Home Guidelines dated May 14, 1991, and June 26, 1991.

II. GOAL:

To maintain [REDACTED] in a safe family home.

III. OBJECTIVES:

TO LEARN AND DEMONSTRATE ADEQUATE PARENTING/CHILD MANAGEMENT SKILLS

TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS

TO MAINTAIN AN ENVIRONMENT FREE OF SUBSTANCE ABUSE

TO LEARN AND DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS

TO IMPROVE AND DEMONSTRATE ADEQUATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS

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

A. Ms. Jaylin Acol, and Mr. Peter Kema Sr. will:

1. **Participate in a parenting education program with Family Support Services:**
 - a. Phone number is 961-3877; located immediately above the Hilo Hospital; child care is provided with the program.
 - b. Attend and participate in the parenting group until formally discharged by the parenting instructor, or by order of the court.
 - c. Provide the DHS with written verification of attendance at the parenting group, as requested by the DHS.
 - d. Demonstrate to the satisfaction of the DHS and the GAL an adequate use of the skills and concepts developed in the parenting program.
2. **Participate with a DHS Family Service Assistant in the family home:**
 - a. At least once each week, and at least 2 hours each time.
 - b. With or without the children, as arranged by the FSA.

- c. To address child management skills such as: setting and maintaining a routine schedule; budgeting; food preparation/menu planning; assigning [REDACTED] responsibilities according to ability; limit setting; appropriate discipline; consistency in discipline; arranging special time for [REDACTED]; and arranging respite time for parent, etc.
 - d. Not missing any scheduled appointment with the FSA without prior approval of the FSA.
 - e. Demonstrate to the satisfaction of the DHS and the GAL an adequate use of the skills developed with the FSA.
3. Participate in services from Mother/Infant Support Team (MIST), through Family Support Service:
- a. By participating in visits in your home to assess and assist with parenting skills, medical needs/appointments, nurturing, sharing of child management skills, etc.
 - b. Not missing any scheduled appointment with the MIST personnel without prior approval of MIST.
 - c. Demonstrate to the satisfaction of the DHS and the GAL an adequate use of the skills developed with MIST.
4. Cooperate with follow up services for Peter Jr. by a Public Health Nurse: (Phone number is 933-4281)
- a. By participating in visits in your home to assess Peter Jr.s' medical needs, as well as the Medical need of [REDACTED] and [REDACTED]
 - b. By following through with medical services and appointments recommended by the PHN.
5. Cooperate with follow up services for Peter Jr. with Family Home Care: (Phone number is 1-973-8558)
- a. Assuring they have your home phone number in order to make monthly telephone contact to monitor Peter Jr.'s progress or problems relative to the heart/apnea monitor.

6. **Participate in a psychological evaluation:**
- a. With Dr. John Wingert, PhD.
 - b. Scheduled on August 15, 1991, with Ms. Acol at 12:30 PM, and Mr. Kema at 2:30 PM.
 - c. In the DHS offices in the State Office Building in Hilo.
 - d. Notify Social Worker [REDACTED] or [REDACTED] office, at [REDACTED], at least 48 hours in advance if you must reschedule this appointment.
 - e. If you do not keep this appointment, and do not inform the DHS of your nonattendance far enough in advance to reschedule, you will be responsible for payment for the psychologist's fee: \$185.00 for each evaluation.
7. **Participate in joint counselling with Dr. Kit Barthel, PhD.:**
- a. Attend and participate in counselling as arranged by therapist.
 - b. Not miss any sessions without express approval of the therapist.
 - c. Recommended focus of treatment to include:
 1. Joint decision making skills;
 2. Learning to respect each other's views and positions;
 3. Active listening;
 4. Agreed upon parenting/child management techniques and limits;
 5. Treatment of biological vs. step children;
 6. Trust; jealousy;
 7. Other areas as assessed by therapist and agreed to by DHS and the GAL.
 - d. Continue in treatment until clinically discharged, or by order of the court.

- e. Provide the DHS with written verification of attendance and participation in counselling, as requested by the DHS.
 - f. Demonstrate to the satisfaction of the DHS and the GAL an adequate understanding and utilization of the skills developed in counselling.
8. **Maintain an environment free from substance abuse.**
- a. Agree to random urinalysis if requested by both the DHS and the GAL, based on behavioral observations and/or sufficient collateral information to suspect substance abuse may be impairing the parent(s) ability to provide a safe environment for the children.
9. **Not use any physical discipline with the children.**
10. **Maintain regular contact with the DHS to discuss problems and progress with this service plan.**
- a. Contact the assigned DHS social worker at least once per week, by phone or in person.
11. **Allow the DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.**

B. Ms Jaylin Acol will:

- 1. **Participate in the respite care program offered by Family Support Services at your discretion.**
 - a. "Mother's group" meets once per week, with child care provided.
 - b. Respite care is provided a separate day of the week, if you routinely attend and participate in the "Mother's group".

C. Mr. Peter Kema Sr. will:

- 1. **Attend a minimum of 4 meetings of Alcoholics Anonymous:**
 - a. Call Alcoholics Anonymous Hotline at 961-0631 to arrange attendance.

- b. Provide statement of attendance to the DHS social worker for each meeting including the date, time, place, and signature of witness verifying attendance.

D. The DHS will:

1. Ensure child care is available to allow participation in services, as necessary.
2. Monitor problems and progress with this service plan by maintaining contact; verbal, written, or face to face, with the service providers.
3. Maintain regular contact with family members through visits, phone calls, and collateral contacts.
4. Arrange other services as necessary, in consultation with the GAL.
5. Assess the effectiveness and utilization of services provided.

V. ANCILLARY RESOURCES:

1. Dr. Kit Barthel, PhD.
 - a. Provide ongoing couples and/or family therapy as outlined above.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
2. Family Support Service, Parenting program.
 - a. Provide parenting education, group support services and respite care services, as appropriate, for Ms. Acol and Mr. Kema.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
3. Mother/Infant Support Team.
 - a. Provide assessment, education, training, and monitoring of the parent/infant relationship, as appropriate.

- b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
4. Public Health Nursing.
 - a. Provide monitoring, assessment, education, training, and referral as appropriate for the medical/health needs of all three children.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
5. DHS, Family Services Assistant.
 - a. Provide ongoing "hands-on" education and training for child management as outlined above.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS social worker.
6. Kapiolani Medical Center for Women and Children, Family Home Care.
 - a. Provide reports, written and/or verbal, concerning the progress and participation of the parties, relevant to monitoring of the heart/apnea condition of Peter Jr., as requested by the DHS social worker.

VI. CONSEQUENCES:

1. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR 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.
2. If Ms. Jaylin Acol and Mr. Peter Kema Sr. substantially comply with their responsibilities to provide [REDACTED], and Peter Kema Jr. with a safe family home as are set forth in this service plan, the DHS will consider recommending a revised Service Plan or revocation of the award of Family Supervision, and termination of Family Court jurisdiction.
3. If Ms. Jaylin Acol and/or Mr. Peter Kema Sr. do not substantially comply with their responsibilities to provide [REDACTED], [REDACTED], and Peter Kema Jr.

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; assumption of Foster Custody; a recommendation of contempt of court; or a recommendation of Permanent Custody.

IX. SERVICE PLAN REVIEW DATE:

This Service Plan shall be in effect until January 15, 1992, or until further order of the court.

X. 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 Acol
Mother

Date

[REDACTED]
[REDACTED]
[REDACTED]
Social Worker

7-2-91

Date

Peter Kema Sr.
Father of Peter Kema Jr.

Date

I certify I have reviewed this document.

[REDACTED]

Supervisor, CWS II

Date

Representing the Department
of Human Services

STATE OF HAWAII

FAMILY COURT
THIRD CIRCUIT

ORDER APPOINTING COUNSEL

CASE NUMBER

FC-S NO. [REDACTED]

IN THE INTEREST OF

[REDACTED] and
[REDACTED]

Children under the age of
eighteen years.

COUNSEL (NAME & PHONE NO.)

CELIA A. URION
885-8878

COUNSEL FOR (Name)

[REDACTED]

Good Cause Appearing, IT IS ORDERED that pursuant to HRS section 587-34 (a)
that counsel indicated above is appointed to represent the
person(s) named above until final disposition of the case, unless sooner discharged by the court.

IT IS ALSO ORDERED that said counsel shall serve effective: July 12, 1991

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 or agency, or by the court as the circumstances may justify.

IT IS ALSO ORDERED that said counsel shall be entitled to claim
travel time.

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

Lorna K. Chinen

Clerk, Third Circuit Court, State of Hawaii

cc: Appointed Counsel (C. Urion)
DAG (A. Auna)
DHS [REDACTED]
GAL (E. Radl)
Counsel/Mother & P. Kema, Sr. (T. de Silva)
Fiscal

FILED
LORNA K. CHINEN

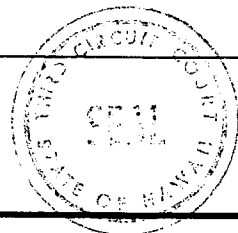
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DATE

JUL 16 1991

JUDGE

[Signature]



JOHN WAIHEE
GOVERNOR



WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII

DEPARTMENT OF THE ATTORNEY GENERAL

465 SOUTH KING STREET, B-2
HONOLULU, HAWAII 96813
(808) 548-3133
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KONA OFFICE
P. O. Box 249
Kealahou, HI 96750
Tel. No.: 323-2045

LETTER OF TRANSMITTAL

TO: LeRoy C. Boyce, Esq.
Victor M. Cox, Esq.
Celia Urion
Aley Auna
Hilo Social Worker ✓

FROM: Nolan Chock
Deputy Attorney General

DATE: July 17, 1991

RE: ██████████ Children

-
1. ATTACHED PLEASE FIND THE FOLLOWING DOCUMENT(S):
Interim Orders Relating to Temporary Foster Custody &
Order Terminating Temporary Foster Custody and Setting
Service Plan Hearing - both documents were filed on
July 8, 1991.
 2. INSTRUCTIONS: For your information and files. Please
calendar next court hearing.
 3. COMMENTS: Thank you!

By

Elaine

Elaine S. Okura
for NOLAN CHOCK
Deputy Attorney General

COPY

[REDACTED], Social Worker
Department of Human Services
State of Hawaii
75 Aupuni Street
Hilo, Hawaii 96720
Telephone: [REDACTED]

THIRD CIRCUIT COURT
STATE OF HAWAII
1991 JUL -8 A 11:53
JONENE [REDACTED]
CLERK

Petitioner

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.: 91-048
	)	(Kona)
Peter Kema Jr.)	
Born on May 1, 1991	)	PETITION FOR FAMILY SUPERVISION
)	
A child under the age of)	
<u>eighteen years.</u>)	

PETITION FOR FAMILY SUPERVISION

Mother's Name/Address	Child's Address
Jaylin Acol 28-2926 Kumula St., Q 26 Pepeekeo, Hawaii 96783	Same

Father's Name/Address

Peter Kema Sr.
28-2926 Kumula St., Q 26
Pepeekeo, Hawaii 96783

COMES NOW the Petitioner, a duly appointed social worker of the Department of Human Services ("DHS"), and hereby declares, under penalty of perjury, that the statements made herein are true and correct to the best of Petitioner's knowledge, information and belief.

1. The above-named child comes within the provisions of Sections 571-11(9), 587-11, and 587-2, Hawaii Revised Statutes ("HRS").
2. The child was found within the State of Hawaii at the time the following facts and circumstances, which have caused the child's physical or psychological health or welfare to be subject to threatened harm by the acts or omissions of the child's family occurred, were discovered, or were reported to the DHS:

A. THREATENED HARM

There is a reasonable, foreseeable, substantial risk that harm may occur to the child based upon an assessment of the criteria set forth in HRS 587-25, including but not limited to the following facts:

1. The child is totally dependent upon his parent for food, shelter, clothing, medical and psychological care and supervision because of his young age.
2. On May 8, 1991, a report of physical abuse of the [REDACTED] siblings of Peter Kema Jr., [REDACTED] and [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation resulted in their placement under Protective Custody, and later Temporary Foster Custody out of the family home.
3. Investigating Social Worker, [REDACTED], identified Mr. Peter Kema Sr. as the perpetrator of the harm to [REDACTED] and [REDACTED]


4. Peter Kema Jr. was born at Hilo Hospital on May 1, 1991, diagnosed with Respiratory Distress Syndrome, and was immediately taken to Kapiolani Medical Center for Women and Children (KMCWC) in Honolulu.
 5. Peter Kema Jr. came into the family home on May 17, 1991, from KMCWC after his mother, Jaylin Acol, was trained at KMCWC in Cardiopulmonary Resuscitation and use of a heart/apnea monitor.
 6. Peter Kema Jr. must receive constant supervision, and frequent heart/apnea monitoring for the next 3 to 9 months, significantly more care than an average infant.
 7. [REDACTED], and [REDACTED], were returned to the family home on June 26, 1991, under Temporary Family Supervision to the DHS.
 8. The incidents of physical abuse to [REDACTED] and [REDACTED]; the higher than usual demand for care presented by Peter Kema Jr.; the current isolation from supportive family; and the child management demands of three children under the age of five years places Peter Kema Jr. at substantial risk of harm.
- c. The [REDACTED], [REDACTED] and [REDACTED] are the subject children in a Chapter 587 case, FC-S No. [REDACTED]


WHEREFORE, it is prayed that an inquiry be made into the foregoing allegations and that action be taken pursuant to the provisions of Chapter 587, HRS, including but not limited to:

Jurisdiction over the child and other appropriate family members be established and Family Supervision be awarded to the DHS, and such other orders as the Court may deem appropriate be entered.

UNLESS THE FAMILY IS WILLING AND ABLE TO PROVIDE THE CHILD WITH A SAFE FAMILY HOME, EVEN WITH THE ASSISTANCE OF A SERVICE PLAN, WITHIN A REASONABLE PERIOD OF TIME, THEIR RESPECTIVE PARENTAL AND CUSTODIAL DUTIES AND RIGHTS SHALL BE SUBJECT TO TERMINATION.

DATED: Hilo, Hawaii, July 2, 1991.


_____, Social Worker
Petitioner

 Approved as to form by the Department of the Attorney General

7123C

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	ORDER APPOINTING GUARDIAN AD LITEM	CASE NUMBER FC-S NO. 91-048
---	---	--

In the Interest of
KEMA, PETER JR.
 Born on **May 1, 1991**

A child under the age of
 eighteen years.

GUARDIAN AD LITEM (NAME, ADDRESS & PHONE NO.)
EDITH K. RADL
 P. O. Box 111333, Suite 260
 Kamuela, HI 96743-0050
 885-0788

APPOINTED GUARDIAN AD LITEM FOR (NAME)

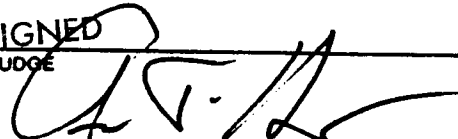

KEMA, PETER JR.

Good cause appearing, **IT IS ORDERED** that pursuant to HRS Section 587-34(a) that the person indicated above be appointed guardian ad litem to protect the interests of the person named above until final disposition of the case unless sooner discharged by the Court.

IT IS ALSO ORDERED that said guardian ad litem shall serve effective: July 10, 1991

- 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 any or all parties, an agency or by the Court as the circumstances may justify.
- and shall be compensated in such amounts, if any, as the Family Court deems appropriate and reasonable. Any such compensation shall be paid from such source under the jurisdiction of the Family Court as it shall order.

IT IS ALSO ORDERED that said guardian ad litem shall be entitled to claim travel time.

DATE JUL 10 1991	ASSIGNED JUDGE 	
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cc: GAL (E. Radl)
 DAG (A. Auna)
 DHS (██████████)
 Counsel/Mother & Peter Kema Sr. (T. de Silva)
 Fiscal

JUL 10 1991
 10 10 P 1:57
 STATE OF HAWAII
 THIRD CIRCUIT

WARREN PRICE III 1212
Attorney General
State of Hawaii

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THIRD CIRCUIT COURT
STATE OF HAWAII

JUL 19 11 54 AM '91
OLGA I. HAYASHI

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]	)	ORDER RE: CHAPTER 587, H.R.S.,
[REDACTED]	)	AS AMENDED
[REDACTED])	
[REDACTED]	)	[ ] EXHIBIT "A"
PETER KEMA, JR.)	
Born on May 1, 1991)	
Children under the age of	)	HEARING: July 17, 1991
eighteen years.)	
	)	HONORABLE ARNE HENRICKS

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

The following parties and/or individuals were present:

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

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

Olga I. Hayashi
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 the children's family is willing and able to provide the children with a safe family home, the Court finds that:

- Pursuant to §587-63(a), H.R.S., as amended, there is an adequate basis (State's Exhibits in evidence) to sustain the petition in that the children are children whose physical or psychological health or welfare has been harmed or is subject to threatened harm by the acts or omissions of the children's family;
- The children's family is presently willing and able to provide the children with a safe family home with the assistance of a service plan;
- Each term, condition, and consequence of the Service Plan and Agreement dated June 27, 1991 (as amended) and attached as Exhibit "A" has been thoroughly explained to and is understood by each party;
- Each party understands that unless the family is willing and able to provide the children with a safe family home, even with the assistance of a service plan, within the reasonable period of time specified in the service plan, 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 ██████ and ██████, temporary family supervision shall continue with DHS;
- DHS is awarded temporary family supervision of Peter Jr.;
- The above-named children and parties come under the exclusive jurisdiction of the Family Court pursuant to §§571-11(9) and 587-11, H.R.S., as amended;
- DHS is awarded family supervision;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;

— Each term, condition, and consequence of the Service Plan and Agreement dated June 27, 1991 (as amended) is hereby ordered by the Court and a copy is annexed hereto as Exhibit "A" and incorporated herein and made a part of this Order;

— DHS shall file a written report at least fifteen (15) days prior to the next hearing;

— GAL shall visit the children's family home, conduct other appropriate investigation, and file a written report at least fifteen (15) days prior to the next hearing;

3 All parties shall appear at a return date hearing, which will be held on August 20, 1991, at 2:30 p.m., before the Honorable Ben H. Gaddis;

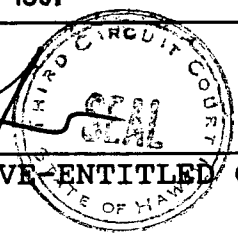
— The following exhibits are admitted into evidence, subject to cross-examination thereon:

State's 1 DHS Supplemental Report-Safe Home Guidelines with attachments filed July 6, 1991, prepared by [REDACTED], Social Worker;

4 The parties' counsel and GAL shall meet for a case conference on July 24, 1991, 12:00 noon, at the Family Court;

_____.

DATED: Hilo, Hawaii, JUL 17 1991.

[Signature]
JUDGE OF THE ABOVE-ENTITLED COURT


APPROVED AS TO FORM AND CONTENT:

[Signature]
[Signature]

[Signature]
[Signature]

██████████, Social Worker
Department of Human Services
State of Hawaii
75 Aupuni Street
Hilo, Hawaii 96720
Telephone: ██████████

THIRD CIRCUIT COURT
STATE OF HAWAII

MAR 13 1991 P 9:57

CLERK

Petitioner

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.: 91-48
	)	(Kona)
Peter Kema Jr.)	
Born on May 1, 1991	)	PETITION FOR FOSTER CUSTODY
)	
A child under the age of)	
<u>eighteen years.</u>)	

PETITION FOR FOSTER CUSTODY

Mother's Name/Address	Child's Address
Jaylin Acol 28-2926 Kumula St., Q 26 Pepeekeo, Hawaii 96783	DHS Licensed Foster Home Hilo

Father's Name/Address

Peter Kema Sr.
28-2926 Kumula St., Q 26
Pepeekeo, Hawaii 96783

COMES NOW the Petitioner, a duly appointed Social Worker of the Department of Human Services ("DHS"), and hereby declares, under penalty of perjury, that the statements made herein are true and correct to the best of Petitioner's knowledge, information and belief.

1. The above-named child comes within the provisions of Sections 571-11(9), 587-11, and 587-2, Hawaii Revised Statutes ("HRS").

2. The child was found within the State of Hawaii at the time the following facts and circumstances which have caused the child's physical or psychological health or welfare to be harmed or subject to threatened harm by the acts or omissions of the child's family occurred, were discovered, or were reported to the DHS, thereby causing physical and imminent harm, and physical neglect:

A. Peter Kema Jr. was admitted to Hilo Hospital on 8/11/91, at about 5 P.M., after being brought to the Emergency Room by Ms. Acol and Mr. Kema "because his leg was swollen". A series of x-rays ("long bone scan"), were taken of Peter Jr. on that date and revealed that:

1. There were healed fractures of ribs 6,7, and 8 on the left lateral side. These injuries were at least 3 weeks old.
2. There was damage to the metaphyseal area of each extremity, particularly near the hips, but also near the shoulders, knees, and elbows. These areas are adjoining the "growing tips" of the bone, and are the softest area of the bones of an infant. The damage to the bone in these areas causes cracks and chips which then calcify, leaving

healed fractures of the bone and chips near the joints. This damage is caused by excessively rough handling, usually by a twisting motion on the extremity. This damage apparently varied in age from recent up to 6 or 8 weeks old.

3. There was damage to the periosteum, especially near the hips, but also apparent in the areas noted in # 2 above, and on the left femur. The periosteum is the covering or "sheath" over the bone which carries the blood for the bone. When this sheath is bruised or separated from the bone, blood enters between it and the bone, and calcifies, leaving a lump or distortion of the bone. This damage is also caused by excessively rough handling, and tends to be associated with the twisting motion noted in # 2 above. This damage also varied in age from recent on the left femur up to 6 or 8 weeks elsewhere.
4. The left hip was "being pushed out of it's socket". The cause could be infection, abuse, or a combination. The exact nature of this dislocation was unclear as of 8/16/91, upon the infant's discharge. However, the infant

is sufficiently stable for outpatient follow up.

5. The left knee is reported to be damaged. X-ray reportedly can not show the extent of the damage to the knee, and arthroscopy is probable to determine the extent of the damage, depending on the course of healing and medical follow up. The metatpeseal areas of the left distal femur, above and below the knee, show fractures, as described in # 2 above.
6. Damage to the periosteum on the left femur and on the left tibia, which coincides with the damage to the hip and knee. As the exact nature of the damage is difficult to assess at this time, the exact mechanism likely to have been the cause of the damage is equally difficult to assess. The most likely explanation at this time coincides with the other, older injuries caused by excessively rough handling, probably with a twisting, pulling motion. Although the explanation for the current injuries provided by each caretaker independently may provide a reasonable explanation, this is for the current injuries only.

- B. A CT scan was performed, and the report was negative. A magnetic resonance imaging test, which is capable of detecting fractures or injuries not detectable by CT scan is being considered.
- C. The x-rays are being reviewed by a pediatric radiologist at Kapiolani Medical Center for Women and Children, in order to better define the varying ages of the apparent fractures, as well as any apparent pattern to the injuries, and any other indication of causation other than abuse.
3. Child Protective Services was notified, simultaneously, at Intake by Hilo Hospital, and by Ms. Acol to the Family Service Assistant on 8/12/91, at approximately 9:00 A.M. No report was recorded to the CPS standby worker.
4. Social Worker [REDACTED] interviewed Mr. Kema, and Ms. Acol separately, at Hilo Hospital at approximately 10:30 A.M. and approximately 11:30 A.M. respectively. [REDACTED] and [REDACTED] were taken into foster custody at that time, and notice was placed in the hospital file for Peter Jr. of his release to CPS only.
5. The statements of Mr. Kema and of Ms. Acol coincided, though they did not appear to be identical, as in rehearsed statements, concerning the injuries to the left leg, knee, and hip. Each stated that they brought Peter Jr. to the Emergency Room because his leg had been swollen and appeared sore. They reported this condition

had begun on Monday, 8/5/91, several hours after [REDACTED] jumped on "Peter boy" while he was in his car seat. [REDACTED] were in the car, in their car seats, in the parking lot of their apartment, while Mr. Kema returned to the apartment to assist Ms. Acol. They returned to screaming Peter Jr with [REDACTED] out of her car seat and jumping on Peter Jr. The position of the child in the car seat, and the force from [REDACTED] jumping on the left leg may present a reasonable explanation consistent with the current injuries.

6. Subsequent to [REDACTED] removal, [REDACTED] has displayed her facility at escaping from her car seat, and has been reported to play extremely rough by the foster parent. She has spontaneously apologized to the foster mother for "hurting Peter boy". Additionally, [REDACTED] has told the foster mother that [REDACTED] was jumping on Peter boy."
7. This information does not address the negligence in leaving [REDACTED] under the age of 4 years in the parking lot, out of [REDACTED] parent's sight, nor does it address the remaining healed injuries. Neither parent offered an explanation, other than falling off the couch, for the remaining injuries. Falling off the couch onto a carpeted floor, from a height of about 22 inches, does not account for the twisting motion required, as well as

the varying ages of damage, and fractured ribs, or the unlikelihood of the infant having mobility over the entire history of the injuries.

8. THREATENED HARM. There is a reasonable foreseeable substantial risk that harm may occur to the child based upon an assessment of the criteria set forth in HRS 587-25, including but not limited to the following facts:
The child is totally dependent upon his parent for food, shelter, clothing, medical and psychological care and supervision because of his young age.
9. The child was placed in Temporary Foster Custody on August 16, 1991, because there is reasonable cause to believe that the harm, as set forth above, will reoccur within the next ninety days.
10. [REDACTED] are the subject [REDACTED] in a Chapter 587 case, FC-S No. [REDACTED].
11. Petition reasserts, realleges, and incorporates all allegations set forth in the Petition for Family Supervision, filed herein on July 8, 1991.


WHEREFORE, it is prayed that an inquiry be made into the foregoing allegations and that action be taken pursuant to the provisions of Chapter 587, HRS, including but not limited to:

- A. Foster custody of the [REDACTED] be awarded to an appropriate authorized agency; and jurisdiction over the child and other appropriate family members

be established and such other orders as the Court
may deem appropriate be entered.

UNLESS THE FAMILY IS WILLING AND ABLE TO PROVIDE THE
CHILD(REN) WITH A SAFE FAMILY HOME, EVEN WITH THE ASSISTANCE OF A
SERVICE PLAN, WITHIN A REASONABLE PERIOD OF TIME, THEIR RESPECTIVE
PARENTAL AND CUSTODIAL DUTIES AND RIGHTS SHALL BE SUBJECT TO
TERMINATION.

DATED: Hilo, Hawaii, August 17, 1991



DHS Social Worker