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SIGNED: [unclear]
LANA T. PAIVA
[unclear]

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]
) 91-48

[redacted]
[redacted]
[redacted]
[redacted]

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

) [X] EXHIBIT "A"

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

) Children under the age of
) eighteen years.

) HEARING: September 17, 1991

) HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

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:

A Under the circumstances that were presented by this case, reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;

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

C Each term, condition, and consequence of the Service Plan and Agreement dated September 7, 1991 (~~as amended~~) and attached as Exhibit "A" has been thoroughly explained to and is understood by each party;

D 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 The prior award of foster custody is continued;

2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;

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

4 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;

5 Each term, condition, and consequence of the Service Plan and Agreement dated September 7, 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;

b All parties shall appear at a review hearing, which will be held on March 4, 1992 at 9:00 A.M., before the Honorable Ben H. Gaddis;

7 *MLC* Should [redacted] object to this order, he shall file his objections within 30 days of this hearing

SEP 17 1991

DATED: Hilo, Hawaii, _____.

B. H. Gaddis
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

[Signature]
Edith Kawai

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

REVISED SERVICE PLAN AND AGREEMENT

Date: September 7, 1991

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

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 the children, 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 the children.

On August 11, 1991, Peter Kema Jr. was admitted to Hilo Hospital with multiple fractures of varying ages. The explanations offered by Ms. Acol and Mr. Kema did not satisfactorily explain the injuries.

This Service Plan and Agreement is intended to reduce the family stress and the risk of harm to [REDACTED], and work toward reunification of [REDACTED] with the family. Justification for the services addressed in this plan are

EXHIBIT A

contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, and August 17, 1991.

II. GOAL:

The primary goal is to reunite the children in a safe family home.

The secondary goal is to provide the children with a safe, stable nurturing home.

The immediate goal is to maintain the parents' financial stability, to maintain a home for reunification efforts.

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

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 (nurturing) program, and in other services supportive of the program, with Queen Liliuokalani Children's Center (QLCC):

a. Services will be arranged through Social Worker Letty Galloway of QLCC; child care is an integral part of the program. The children

will participate in the program with Ms. Acol and Mr. Kema.

- b. Attend and participate in the nurturing program until formally discharged by QLCC, or by order of the court.
 - c. Provide the DHS with written verification of attendance at the nurturing program, as requested by the DHS.
 - d. Demonstrate to the satisfaction of the DHS, QLCC Social Worker, and the GAL an adequate use of the skills and concepts developed in the program.
2. **Participate with a DHS Family Service Assistant in the family home:**
- a. To address immediate financial needs, and specific payees for financial stability purposes.
 - b. When/if children return to the home, to address child management skills such as: setting and maintaining a routine schedule, budgeting, food preparation/menu planning, assigning children's responsibilities according to ability, limit setting, appropriate discipline, consistency in discipline, arranging special time for children, and arranging respite time for parent, etc.
 - c. 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 visits with the children:**
- a. At the discretion of the DHS in consultation with the Guardian ad Litem.
 - b. Visits will occur in the least restrictive environment consistent with the children's safety.
 - c. Restrictiveness of visits may be increased or decreased, including suspension, based on the

positive or negative interaction of the parent(s).

- d. Visits, and any other contact, will occur only with the express permission of the DHS, in consultation with the GAL.
 - e. Visits with [REDACTED] will be arranged as frequently as possible, with the assistance of the foster parent, and will take place in, or near, the foster home, so long as Ms. Acol and Mr. Kema's behavior permits.
 - f. The DHS will assure the children are available for participation in the QLCC nurturing program, as directed by QLCC Social Worker.
4. **Participate in a psychological evaluation:**
- a. With a Psychologist to be identified by the DHS.
 - b. At the time and location identified by the evaluating psychologist.
 - c. Notify Social Worker [REDACTED], or his office, at [REDACTED], at least 48 hours in advance if you must reschedule this appointment.
 - d. If you do not keep this appointment, and do not inform the DHS of your non-attendance far enough in advance to reschedule, you will be responsible for payment for the psychologist's fee: \$185.00 for each evaluation.
5. **Participate in 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. Possibility of symptoms of post partum depression for Ms. Acol.
 8. 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, the therapist, and the GAL an adequate understanding and utilization of the skills developed in counselling.
6. **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 which may be impairing the parents' ability to provide a safe environment for the children.
 7. **Not use any physical discipline with the children.**
 8. **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.
 - b. Advise the DHS social worker of any major changes, such as address, phone number, who lives in the home, medical problems, arrests, etc. within 48 hours of there occurrence.
 9. **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.

10. Seek employment with income sufficient to maintain housing and transportation.
 - a. With assistance of referrals from the DHS to known resources, if requested.

B. 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.

C. 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.
6. Maintain regular contact with the children and the foster parent to assure appropriate care for the children, and appropriate support for the foster parent.
7. Provide financial support for rent, auto payment, and utilities services or re-establishment directly to the payee, for a maximum of 3 months so long as the family is eligible per 17-913-6.

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

- A. Maintain confidentiality with regards to the [REDACTED] family and the abuse [REDACTED] suffered.
- B. Continue to transport [REDACTED], [REDACTED], and Peter Jr. to and from the doctor's office for routine and recommended therapy or examinations.
- C. Encourage [REDACTED] and [REDACTED] to communicate with their father [REDACTED] by visiting, writing, phone calls, pictures, etc. as approved by the DHS social worker in consultation with the GAL.
- D. Continue to establish clear rules for [REDACTED] and [REDACTED] and follow up with fair and consistent positive and negative consequences.
- E. Continue to keep the Social Worker informed of any changes and new developments in the children's situation.
- F. Provide and monitor visits, as approved by the DHS and the GAL, so far as you are able; so long as this does not present a danger to the children or your family.
- G. Continue to provide positive role modeling.
- H. Maintain a neutral and fair attitude with respect to the issue of reunification or permanency planning.

VI. ANCILLARY RESOURCES:

- A. Dr. Kit Barthel, PhD.
 - 1. Provide ongoing couples, individual, and/or family therapy as outlined above.
 - 2. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
- B. Queen Liliuokalani Children's Center.
 - 1. Provide parenting education through the nurturing program, and other services in support of the program, as appropriate, for Ms. Acol and Mr. Kema.

2. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
- C. DHS, Family Services Assistant.
1. Provide ongoing "hands-on" education and training for children and household management as outlined above.
 2. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS social worker.

VII. CONSEQUENCES:

- A. 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.
- B. If Ms. Jaylin Acol and Mr. Peter Kema Sr. 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 will consider recommending a revised Service Plan addressing the reunification of [REDACTED] in the home, or the recommendation of returning [REDACTED] to home and a change of status to Family Supervision.
- C. 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 continuing 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 March 1, 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

Social Worker

9/9/91
_____ Date

Peter Kema Sr.
Father of Peter Kema Jr.

_____ Date

I certify I have reviewed this document.

Supervisor, CWS II

9/9/91
_____ Date

Representing the Department
of Human Services

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

THIRD CIRCUIT COURT
STATE OF HAWAII
SEP 23 2 38 PM '91
H. TAMANAHA

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)	SUPPLEMENTAL REPORT-SAFE HOME
)	GUIDELINES (HRS 587-40);
)	EXHIBIT "A";
A child under the age of)	CERTIFICATE OF SERVICE
<u>eighteen years.</u>)	

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

Please find attached for your information and review, the letter received from the Kapiolani Medical Center For Women and Children marked Exhibit "A" regarding Peter Kema Jr.

Respectfully submitted,

[REDACTED]
Social Worker
Petitioner

SEP 19 1991



EH Social Services Section
Hilo, Hawaii

Kapiolani Medical Center For Women and Children

Richard Davi
President

Walter L. Behn
Executive Vice President / CEO

September 13, 1991

[REDACTED]
Child Welfare Services
Department of Human Services
P. O. Box 1562
Hilo, Hawaii 96720

RE: PETER KEMA, JR.

Films of the long bones, chest and skull done at Hilo Hospital on 8/11/91 are reviewed. There is extensive periosteal new bone formation along the shafts of both humeri. The periosteal new bone is most extensive proximally. There are small avulsion fractures of the proximal metaphyses of the humeri. There are also small corner fractures involving the metaphyses of the femurs and tibiae at the knee. There is a small corner fracture of the medial metaphysis of the proximal right femur. There probably is also a bucket handle-type fracture of the distal metaphysis of the left tibia. There is also a small amount of periosteal new bone formation along the shaft of the left ulna. There are healing fractures of the axillary portions of the left 6th, 7th, and 8th ribs. The left first rib may also be somewhat thickened. The skull appears normal. No other definite bony abnormalities are seen.

The skeletal fractures may have occurred at different times. The left rib fractures and the fractures involving the proximal humeri are approximately one-month-old. The fractures about the knees and the left ankle maybe more recent. The appearance and distribution of these fractures is characteristic of child abuse.

IMPRESSION: 1. Multiple fractures involving the long bones and left ribs. The appearance and distribution of these fractures is characteristic of child abuse.

CT SCAN OF THE BRAIN: An unenhanced CT examination of the brain done at Hilo Hospital on 8/11/91 is reviewed. The ventricular system is normal in size and

EXHIBIT **A**

position. A cavum septum pellucidum is present. The brain is otherwise unremarkable. Specifically, there is no evidence of brain edema, intracranial hemorrhage or subdural effusions. No skull fractures are seen.

IMPRESSION: 1. Normal, unenhanced, CT examination of the brain.



Robert M. Di Mauro, M.D.
Radiologist

RDM:ja

cc: Dr. Brian Wilson - Hilo Hospital

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 1991, a copy of the foregoing was duly served upon the following parties by the method indicated below.

	By: <u>U.S. Mail</u>	By: <u>Hand-Delivery/ Court Jacket</u>
Edith Radl Guardian Ad Litem	X	
Tim DeSilva Attorney for Mother		X
Jaylin Acol Mother		X
Celia Urion Attorney for [REDACTED]	X	
[REDACTED] Father of [REDACTED] Children		X
Tim DeSilva Attorney for Peter Kema, Sr.		X
Peter Kema, Sr. Father of Peter Kema Jr.		X

[REDACTED]
[REDACTED]
EH-Child Welfare Services II

In the Interest of Peter Kema Jr.; FC-S No. 91-48

Second Supplemental Report-Safe Home Guidelines (HRS 587-40) dated September 23, 1991.

lkm

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

11/17
NOV 21 2 07 PM '91
OLGA I. HAYASHI

Petitioner

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);
EXHIBITS A-D; CERTIFICATE OF
SERVICE
JUDGE: BEN H. GADDIS
HEARING: NOVEMBER 27, 1991
TIME: 11:00 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.

REPORT - SAFE HOME GUIDELINES (HRS 587-40)

Date: November 22, 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.

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>
5/8/91- 5/14/91	[REDACTED]	Protective Custody	Confirmed physical Abuse
5/14/91- 6/26/91	Same	Temporary Foster Custody	
6/26/91 8/12/91	Mother & boyfriend	Temporary Family Supervision (6/24/91)	Transfer to Hilo/ services reduced risk
8/12/91- 11/16/91	DHS foster home	Temporary Foster Custody	Imminent & threatened harm
11/16/91- present	DHS foster home [REDACTED]	Foster Custody (awarded 9/3/91)	Placed with relatives

PETER JR. :

8/11/91- 8/16/91	Hilo Hospital	Temporary Foster Custody	Physical Abuse
8/16/91- 11/16/91	DHS foster home with siblings	Temporary Foster Custody	Physical Abuse
11/16/91- present	DHS foster home [REDACTED]	Foster Custody (awarded 9/3/91)	Placed with relatives

Placement with [REDACTED] was made after licensing of [REDACTED] as a DHS foster home (Memorandum dated November 15, 1991 submitted as EXHIBIT A), and after assignment of a "courtesy supervision" social worker in West Hawaii. Placement with [REDACTED] was considered in the best interest of the children, despite the increased distance from the parents, based on the lack of parental contact with the children during the 3 months of placement. [REDACTED] had maintained more frequent and regular contact with the children, despite their residence in Kona, than did either parent who lived within 5 miles of the children.

The current placement is over 100 miles from the parents, approximately a 2 hour drive, one way. Despite this distance, this placement is considered best for the children, as the parents continue to have access to them in their placement on a flexible schedule, and the children are in the care of appropriate relatives.

[REDACTED] had begun attending Headstart while in placement in Keaukaha, and is being continued in Headstart in Kona.

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. Acol and Mr. Kema were performed by Dr. John Wingert, PhD. on October 31, 1991, and received by the DHS on November 14, 1991. They are being submitted as EXHIBIT B. Dr. Wingert's assessment, in part states:

"Jaylin and Peter both come across as extremely emotionally needy and immature persons who are evasive of responsibility and who displace the source of difficulties onto others. They appeared to be so wrapped up in their own adjustment problems and unhappiness to the point that this compromises their ability to be empathic and understanding of the children's needs and neither of them comes across as particularly child oriented."

This assessment is wholly supported by the behavioral observations of the DHS.

Dr. Christopher Barthel, PhD. has been providing treatment for Mr. Kema and Ms. Acol, and submitted his report dated November 2, 1991, to the DHS on November 4, 1991. This report is being submitted as Exhibit C. In short, Dr. Barthel recommends that the expectations of demonstrated behavior change for the couple be reduced to a more concrete, basic level than was previously expected. This simplification of expectations, and sequencing of services would

appear appropriate, and will be incorporated as much as possible in a fourth revision of a service plan.

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)

Dr. Wingert's report of October 31, 1991, supports earlier reports of domestic violence and intimidation between Mr. Kema and Ms. Acol. The extent to which this currently impacts on the relationship is unclear.

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

The perpetrator of the harm to Peter, Jr., remains unknown. As such, it is imperative to recognize the DHS can not recommend return of the children to the family home, or any unsupervised contact with either parent.

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

██, have "extended the olive branch" to Peter and Jaylin. They have agreed to allow ██████████ in their home, or a nearby park, etc. They have even volunteered to ██████████ between the ██████████ and the parents ██████████ other business. This was not suggested, requested or expected by the DHS.

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)

The DHS has provided three separate service plans for the Acol/Kema family beginning in June 1991. Ms. Acol and Mr. Kema have not participated in any of the offered, suggested, or agreed to services during that period. They have managed sporadic contact

with Dr. Barthel, but even that does not approach compliance in the estimation of the DHS.

The report from The Queen Liliuokalani Children's Center dated November 6, 1991 (Exhibit D), is characteristic of the couples' demonstration thus far. The nurturing program was specifically sought out and arranged with the DHS at the request of Ms. Acol and Mr. Kema.

Previous attempts by the MIST program, the Family Service Assistant (FSA), and the Public Health Nurse to visit the family in their home have been futile. The couple continues to cancel appointments in their home with the FSA. Due to the couples' non-cooperation, her services have been terminated.

The DHS arranged payment of the couples' rent and auto payment for a 2 to 3 month period to allow the couple to gain some stability after the loss of [REDACTED]. The DHS also paid a \$300 phone bill in an attempt to regain phone service. After 2 months, the couple has not demonstrated any appreciable gain towards self support, and in fact, still would not share their budget with the FSA. The DHS ended rent and auto payments after 2 months.

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)

Arranging visits between children in foster care and their parents serves many purposes. One of the most important for the DHS to observe is the ability of the parent to plan and manage their time. Being at the right place at the right time is very important for visits. A 15 year old babysitter must be able to plan and manage their time in order to provide safe, short term care for a child. The demand on a parent is significantly beyond that.

Ms. Acol and Mr. Kema were able to visit with [REDACTED] on Monday, Wednesday, and Friday, plus either Saturday or Sunday, if they either kept a regular schedule, or if they called a day ahead to set the time. The foster parent actually went considerably beyond those expectations, and allowed the parents to visit almost anytime, if they would simply call an hour or so ahead of time. Neither Mr. Kema nor Ms. Acol were able to manage visits with the children with any regularity at all. They did get as far as placing the call and arranging a time, but did not get as far as to actually "being at the right place at the right time". The further impact of this was frequently, the shattered expectations of the children.

The DHS has observed no positive environmental or personal changes relating to the safety of the children from May through mid-November of 1991.

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)

The DHS has not observed any demonstration of the parents' ability to understand and respond to [REDACTED] needs, especially during the past 3 months.

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

Dr. Wingert's assessment of an emotionally needy couple, too focused on their own difficulties to respond to their [REDACTED] needs, is a very succinct presentation. Neither Ms. Acol nor Mr. Kema have positively engaged in any service offered by the DHS, including visits since at least June of 1991, with the possible exception of the use of "wrap around funds" for payment of rent, auto and phone.

In essence, it appears to the DHS that [REDACTED], [REDACTED], and Peter, Jr. are growing up at the same time as Peter and Jaylin are growing up. The biological parent and step-parent have not yet reached the stage of development necessary for providing safe, short-term baby-sitting. The DHS sees no justification for depriving the real children from parental care, in the home of [REDACTED].

RECOMMENDATIONS

The DHS respectfully recommends that the current placement of [REDACTED] and [REDACTED], and of Peter Kema, Jr. in the DHS licensed foster home of [REDACTED] continue; and that a service plan review hearing be set as soon as possible for the purpose of considering a revised service plan.

DATED: Hilo, Hawaii _____ November 22, 1991 _____.

Respectfully submitted,

[REDACTED]

Social Worker IV
Petitioner

MEMORANDUM/ROUTE FORM

State of Hawaii
Department of Human Services

To: [REDACTED]

From: [REDACTED]

Date: November 15, 1991

Subject: [REDACTED] FBH Special License

[REDACTED] are a warm and friendly couple with two of their five children still living at home. The two older children, twin boys, are both in the Air Force. One of them will be out of the service by December and will return home in time for Christmas. [REDACTED] have energetically completed all of their references, medical clearances, TB tests, criminal history clearances, interviews, and two home visits, all within the space of one week. This shows that they are serious in their effort to help [REDACTED] with her three children. [REDACTED] references were positive and their health is good.

[REDACTED] is willing to reduce her hours as a clerk at [REDACTED] in order to spend more time with the children. [REDACTED] is arranging child care for [REDACTED] at Headstart and for [REDACTED] and Peter Kemma with a licensed child care provider.

[REDACTED] have prepared their home for the children by arranging places for them to sleep, hanging wall decorations the children will enjoy, and moving hazardous items around the house out of the children's reach.

[REDACTED] understand that when the children are placed with them on 11/15/91 that it will be viewed as a visit, as Jaylin Acol is objecting to the placement. A hearing will be held in a few weeks for a judge to determine if Jaylin's objections have merit.

[REDACTED] have signed the Statement of Understanding and agree to abide by the foster parent rules.

This worker has special licensed the [REDACTED] home from November 15, 1991 to January 15, 1992. Before January 15, 1992 the criminal history clearances should be back from Hónolulu. If these are clear then the special license will be changed to an unconditional license.

EXHIBIT A

cc: [REDACTED]

JOHN L. WINGERT Ph.D.
Clinical Psychologist - Hawaii Licensed

DEPT. OF HUMAN SERVICES, Pacific Center • 1585 Kapiolani Boulevard • Suite 936 • Honolulu, Hawaii 96814 • (808) 941-1972
Family & Adult Services Division

NOV 14 1991

PSYCHOLOGICAL EVALUATION

EH Social Services Section
Hilo, Hawaii

<u>NAME</u>	<u>DATE SEEN</u>	<u>BIRTHDATE</u>	<u>CA</u>
1. ACOL. Javlin	10-31-91	04-10-70	21
2. KIMA. Peter	10-31-91	08-17-70	21

REFERRED BY: DHS-CPS/Hilo.

REFERRAL INFORMATION: This couple was referred for a psychological evaluation to assess their cognitive and emotional status to aid in case planning.

SUMMARY OF PSYCHOLOGICAL EVALUATION OF JAYLIN ACOL

SOURCE OF INFORMATION: Behavioral Observations and Clinical Interview. Psychological Testing: Shipley Institute of Living Scale, Bender-Gestalt Test, Wide Range Achievement Test-Revised (reading section), Adult Parenting Inventory, Child Abuse Potential Inventory, Parenting Stress Index, Incomplete Sentence Blank, Thematic Apperception Test, Minnesota Multiphasic Personality Inventory-2.

BEHAVIORAL OBSERVATIONS AND INTERVIEW INFORMATION: Jaylin arrived promptly for her scheduled appointment, presenting as a rather casually dressed 21 year old female, who was alert, appropriately oriented and who maintained good eye contact. She was able to express herself in a clear and coherent manner without difficulty and her verbalizations were reality based without any indication of confusion or distortion in her thought processing. Her behavior and social interactions were appropriate and throughout much of the session she related in a fairly lighthearted and comfortable manner although she became notably more distressed when talking about her own victimization, at which time she seemed to have difficulty controlling her tearing.

Jaylin reported that she was born on the Big Island and raised by [REDACTED] and she is the middle child of 5. She stated that her [REDACTED] works as a painter and her [REDACTED] as a stock clerk. She described her [REDACTED] as being a very demanding individual who readily becomes angry with her and continues to treat her like a child. In terms of her relationship with her [REDACTED], she described herself as [REDACTED] and she stated that [REDACTED] would give her whatever she wanted. She does talk about how she feels that [REDACTED] hold grudges and at this point she feels estranged from them because they do not approve Peter. She stated that she was disciplined by being hit with a belt or slippers although this was not to the point of bruising and [REDACTED] also utilized a time-out procedure. She can recall only one incident where she was hit hard enough to leave a scar. She remained in her [REDACTED] home until she was 19 or 20 years old.

EXHIBIT **B**

PSYCHOLOGICAL EVALUATION

ACOL, Jaylin

KEMA, Peter

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When asked if she had ever been sexually approached or molested, Jaylin began tearing and she stated that when she was about 12 to 13 years old, her [REDACTED] touched her in a sexual manner over an extended period of time and she stated that she has never talked with anyone about this, including [REDACTED]. Memories of these incidents continued to have a strong impact on her, particularly in her sexual relationship.

Jaylin stated she graduated from Konawaena High School in 1988 and she described her high school years as "rough." She stated that she and [REDACTED] became more distant and she was unable to talk with [REDACTED] about boys or problems. She stated that she did not have any academic difficulties or special educational assistance and she maintained a "C" average for grades. She reported that she was suspended on one occasion for beating up another girl who she thought was spreading rumors about her and she stated that the girl sustained a broken nose and jaw. Jaylin stated that she recently had been employed at a Ben Franklin Store for about 5 weeks but she quit this position earlier this month, as she stated that she was going to be fired. She stated that her supervisors told her that she had too many personal problems which were interfering with her work.

When talking about her physical health, Jaylin gave a rather vague description of having occasional hearing and vision problems which occur when she is under pressure or stress. She stated that otherwise she does not have any health concerns and she does not take any prescribed medication on a regular basis. She reported that she was injured when run over by a truck about 10 years ago and there was damage to her pelvic bones and recently she has had difficulties with gallstones. Otherwise history is unremarkable for other serious illnesses, accidents, head injury or seizure disorder. Somatic concerns include frequent headaches which occur on an almost daily basis. She stated that she does not have any sleep difficulties. She stated that she has gained about 20 or 25 lbs in the past few months which she attributes to stress and she did indicate that if she could change herself in anyway she would like to be slimmer. When asked about alcohol usage, she stated that she has tried alcohol but there is no history of regular or problematic drinking, DUIs or alcohol treatment. She stated that she used to use marijuana but denies present usage of street drugs. She stated that she has never been in trouble with legal authorities and has never been arrested.

Jaylin stated that she first became pregnant when she was 16 years old and she was involved with the father of her 2 oldest children for about 4 years. She stated that they attempted to live together on 2 occasions but had financial difficulties and she stated that he was not emotionally supportive of her and did not assume parental responsibilities. She stated that there was physical violence in this relationship but she also noted that she fought him back. She stated that she has known Peter since the 3rd grade and they have been together for the last 2 years. She

PSYCHOLOGICAL EVALUATION

ACOL, Jaylin

KEMA, Peter

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describes him as a quiet individual although she noted that he does get upset and show his feelings at times but he is really a loving person. She stated that there was violence in their relationship but this ended about a year ago. She stated that over a 5 month period he struck her on about 7 occasions to the point where she was bruised or bleeding although she indicated that she concealed her bruises. She stated that the abuse stopped when she left him and they were separated for about 2 days. She stated that they presently plan on being married although they have had to cancel the marriage plans 3 times because of difficulties. She commented that she feels as though he is the only family that she has besides her children and she certainly does come across as very needy and dependent in this relationship.

COGNITIVE ASSESSMENT: Jaylin was administered the Shipley Institute of Living Scale, a measure of verbal reasoning and abstract thinking ability, on which she obtained the following scores:

Verbal T-Score	= 33 (4th percentile)
Abstraction T-Score	= 52 (58th percentile)
Conceptual Quotient	= 119
Estimated IQ	= 87

Jaylin's performance on the Shipley reveals her to be presently functioning in the low average range of measured intellectual ability. Her verbal reasoning abilities are very minimally developed and scored within the much below average range in contrast to her nonverbal reasoning and abstraction abilities which were solidly within the average range. Her basic judgment and reasoning processes do appear to be intact at an intellectual level and there were no prominent indications of organic related dysfunction or interference.

Jaylin's reproductions of the Bender-Gestalt Designs, an organic screening task, were neatly and accurately drawn without scorable error and her designs conformed well to the original gestalt. Again, there is no suggestion of organic related interference on this screening task. She was also administered the reading section from the Wide Range Achievement Test-Revised on which she obtained a reading grade equivalent at the 7th grade level (standard score = 77, 6th percentile). She completed the paper and pencil inventories in a timely manner and there were no prominent indications of reading comprehension difficulties or inconsistency in her responding. Her basic academic and learning abilities appeared to be intact.

PARENTING ASSESSMENT: When talking about the CPS involvement with her family, Jaylin stated that this initially came about because [REDACTED] were upset that she moved from the Kona to the Hilo area and that she had never informed them of the birth of Peter Jr. She stated that when she was giving birth, [REDACTED] was discovered with bruises on her face

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ACOL, Jaylin

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although Jaylin noted that this came about because she fell while playing. She stated that more recently Peter Jr. was found to have a number of physical injuries and she stated that her understanding of how this occurred is that 2 year old [REDACTED] was jumping on him. She stated that she is aware that the physicians do not agree with her explanation of the injuries but she was adamant and insistent that she knew of no other explanation.

Jaylin stated that she last visited [REDACTED] in foster care about 2 weeks ago and she talked about how she does not go more frequently because the foster mother gives her a hard time and she is oftentimes not at home or available when she wants to visit. She stated that [REDACTED] reportedly will be sent to live with [REDACTED] and that she is very much against this.

She described 4 year old [REDACTED] as an active child who loves his parents and siblings and who loves to talk and sing. She stated that he is not difficult to manage and he is a good listener although things do need to be explained in detail to him and she talked about how they have difficulties getting him to clean his room. When asked if he had any health problems or concerns, she stated that his teeth are in need of dental care. 2 year old [REDACTED] is described as a child who will eat anything you give her and she enjoys learning, playing with dolls and singing with her brother. She stated that [REDACTED] does throw a lot of tantrums when she does not get her own way and she indicated that she responds to this by talking to her and telling her that this is not nice and this calms her down. She described her as being a more active child than [REDACTED]. Peter Jr. is described as a very quiet type who will only "bother" her when he is hungry or needs his diaper changed. She stated that they typically discipline the children by utilizing time out procedures.

Jaylin stated that ideally she would like to have the [REDACTED] returned to her and she went on talking about how even though they have been accused of abusing [REDACTED], she does not know how a parent could ever abuse their own child. She stated that the present service plan calls for Peter to be involved with Alcoholics Anonymous, for them to attend parenting and be in counseling with Dr. Barthel. She stated that Peter has not gone to Alcoholics Anonymous and she indicated that she does not know why he has to do this because he has not used alcohol since last year. She stated that they went to one meeting of parenting but had missed the next couple of meetings, because of an emergency and also because Peter was incarcerated and she stated that they were then informed that they could not continue the classes because they did not complete the introductory sessions. She stated that they had seen Dr. Barthel the day previous to the evaluation but before this they had cancelled a number of appointments "because there is a lot happening."

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Jaylin's profile on the Child Abuse Potential Inventory was very strongly suggestive of the potential for dysfunctional and abusive parenting. The overall abuse scale was significantly elevated and she also indicated a high level of interpersonal distress and unhappiness. The profile suggests an individual who is likely rather touchy, overreactive and irritable and she also appears to have a rather poor frustration tolerance and poor impulse control and likely to become emotional when frustrated. The profile further suggests an individual with difficulties in interpersonal relationships including a high level of family discord and she is likely rather physiologically reactive to the children and may perceive more behavioral problems in the children than is reported by others. She may be rather unavailable to the children and have difficulty forming an adequate parent-child attachment.

The profile on the Adult Parenting Inventory suggested that at least at an intellectual level, Jaylin does seem to have an adequate knowledge and understanding of children's developmental capabilities and she was able to indicate knowledge of child management techniques without resorting to corporal punishment. While she does seem to have an intellectual understanding of these skills, there does appear to be a significant interference from emotional adjustment problems that compromises the efficiency and quality of her parenting.

EMOTIONAL STATUS AND PERSONALITY ASSESSMENT: The mental status examination and results of the personality and projective measures did not reveal indications of disabling psychopathology, impairment of reality contact or any psychotic symptomatology. Jaylin stated that she first became involved in counseling services when during her first pregnancy. These appear to have been largely supportive services and there is no other history of psychotherapeutic involvement or psychiatric hospitalization. She did indicate that during the period that she was being sexually molested by her uncle she used to pull her hair and scratch her arms and other body parts although she denied any other self-destructive behavior or suicidal ideation since that time.

Jaylin described herself as typically feeling lonely and miserable. She does present as a very emotionally needy and dependent individual whose sense of self-worth seems to be very strongly linked to feelings of approval by significant others. She describes herself as feeling very isolated and alone and that others are not available for her or do not understand her. She does seem to be lacking in ego strength, i.e., the ability to maintain emotional stability or feelings of worth in relationships and her own sense of self appears to be very poorly developed. She does appear to be a very emotionally unstable individual who is likely to feel depressed, afraid and upset without knowing why. The personality measures further suggests an immature, moody and self-centered individual who would be expected to be evasive of responsibility.

7PSYCHOLOGICAL EVALUATION

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DIAGNOSTIC IMPRESSION:

1. Mixed Personality Disorder with Borderline and Dependent Features (301.90).
2. Dysthymia (300.40).

SUMMARY OF PSYCHOLOGICAL EVALUATION OF PETER KEMA

SOURCE OF INFORMATION: Behavioral Observations and Clinical Interview, Psychological Testing: Shipley Institute of Living Scale, Bender-Gestalt Test, Wide Range Achievement Test-Revised (reading section), Adult Parenting Inventory, Child Abuse Potential Inventory, Incomplete Sentence Blank, Thematic Apperception Test, Minnesota Multiphasic Personality Inventory-2.

BEHAVIORAL OBSERVATIONS AND INTERVIEW INFORMATION: Peter presented as a casually dressed, heavy-set 21 year old male who was alert, appropriately oriented and who maintained good eye contact. He expressed himself in a somewhat simple and basic manner and he seemed to have a difficult time dating past events although recall of history appeared orderly. He does appear to be rather concrete in his thinking although there were no marked indications of confusion or distortion in his thought processing. Initially he appeared to be rather tense and apprehensive and overall he related in a generally cooperative manner and he was not difficult to work with. His range and display of emotionality was otherwise well within normal limits and there were no indications of overt distress or emotional disturbance.

Peter reported that he was born on the Big Island and raised in the Kona area by his natural mother until he was 11 years old. He stated that his father was a rodeo rider who was injured by a bull and eventually died from complications of his injuries when Peter was about 5 years old. His mother died from leukemia when he was 10 years old and following her death he reported that he was sent to live with an uncle whom he described as being extremely neglectful and uninvolved and after about 6 months or 1 year of this, he lived with his half-sister. For about 8 years he described life as difficult with her also and he talked about how she would not allow him to do anything and in general his home life was not very good. He made references how the family used a lot of marijuana. He stated that his half sister gave him "the dirtiest lickings" with a rubber hose and guava stick and he reported that once he was beaten and bruised so severely that he did nothing but lay on the bed for a week.

Peter stated that he graduated from Waiakea High School in 1988 and he reported that he enjoyed school as it allowed him to be away from home. He stated that his grades were average and above in high school and he did

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not receive any special educational assistance. He stated that he was suspended from school a number of times for being tardy, talking back to teachers as well as being accused of vandalism. Following high school, he stated that he relocated to the Kona area to live in the family home along with one other brother. He stated that within a 3 month time period, his brother who was heavily involved in drugs and alcohol, had busted up the house and he and his brother were then evicted. He stated that since that time he has lived "all over." Peter stated that he is not presently employed on a regular basis although he does do work for a labor service. He stated that he had worked for about 3 weeks at a warehouse delivering cargo but he was dismissed from this position when his supervisor discovered that there was a warrant out for his arrest on a burglary charge.

When asked if he had any health problems or medical concerns, Peter stated that he did not think so although he noted that he has not seen a physician for quite some time. He stated that he is not taking any prescribed medications. He recalled having been knocked unconscious after being hit in the head with a stone thrown by his brother when he was about 6 years old but otherwise he does not recall any other serious accidents, illnesses, head injury or seizure disorder. He acknowledged little in the way of somatic complaints or concerns, although he did indicate that he does have sleep problems since the children were removed from the home. Peter stated that he lost about 15 lbs during a recent incarceration but he has since gained the weight back. When asked about alcohol usage, he stated that he has not used alcohol for about 12 or 13 months. He stated that previous to this he was drinking up to a case of beer a day or so, depending upon his financial situation. He spontaneously commented that he never became violent while drinking unless someone was violent with him first. He stated that he has not had any DUIs nor has he been involved in alcohol related treatment. He indicated that the service plan had called for him to attend Alcoholics Anonymous but he has never gone and he talked about how he was told he needs to see a counselor first and he has not done this. Peter stated that when he was about 12 years old he was apprehended on burglary and theft charges. Initially he stated that he had never been arrested as an adult although when asked about his reference to a recent incarceration, he stated that there was a bench warrant out for him relating to a theft charge in the Kona area about 1 year ago in which he reportedly entered a house and removed 300 dollars worth of items. He stated that previous to this he had never been incarcerated although he had been placed on probation as a juvenile.

Peter stated that Peter Jr. is his only child and he has no other children and he stated that he and Jaylin have been together for almost 2 years. He described their relationship as "off/on - it's okay" although he does come across as much less enthusiastic than does Jaylin. He talked about how she wants to be married as soon as possible and he does not want to do this and he keeps putting the wedding off. He stated that Jaylin always

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ACOL, Jaylin

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seems to be running away when there is work to do in the home and he also portrayed himself as the primary caretaker for [REDACTED]. When asked about violence in the relationship, he stated that initially she would hit him to the point where he could not handle it any longer and so he turned on her although he noted that there has been no violence in over one year.

COGNITIVE ASSESSMENT: Peter was administered the Shipley Institute of Living Scale, a measure of verbal reasoning and abstract thinking ability, on which he obtained the following scores:

Verbal T-Score	= 33 (4th percentile)
Abstraction T-Score	= 40 (16th percentile)
Conceptual Quotient	= 92
Estimated IQ	= 73

Peter's performance on the Shipley reveals him to be presently functioning within the borderline range of measured intellectual ability. His verbal reasoning abilities fell within the much below average range while his nonverbal abilities were slightly better, scoring within the low average range. He does come across as rather basic and concrete in his thinking although overall judgment appears intact at an intellectual level. The conceptual quotient, which is sensitive to indications of organic related dysfunction or interference, was within normal limits.

Peter's reproductions of the Bender-Gestalt Designs, an organic screening task, contained errors of substitution of circles for dots but otherwise his designs conformed well to the original gestalt and there were no prominent indicators of organic related interference. He completed the drawings in a rather hurried manner and he did not seem to pay fine attention to detail. He was administered the reading section from the Wide Range Achievement Test-Revised on which he obtained a grade equivalent at the 6th grade level (standard score = 72, 3rd percentile). His performance on the paper and pencil inventories appeared variable and there were suggestions of possible reading comprehension difficulties and/or carelessness in his responding. While he reported that he had received average and above grades in school, his reading skills are not very well developed and it is possible that he has had some learning related difficulties although overall findings are not significantly out of line in comparison to his level of cognitive functioning. While he does present as streetwise, he does not appear to be very insightful or have well developed planning skills.

PARENTING ASSESSMENT: In regards to the CPS involvement in the family, Peter very readily stated that he feels that the injuries to Peter Jr. were the result of [REDACTED] jumping on Peter Jr. and also pulling on his arms and legs and he stated that this may have occurred more than once. He added that maybe she did this to attract attention and he stated that

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he cannot keep an eye on [REDACTED] all of the time. He stated that CPS first became involved because [REDACTED] had said that he had hit [REDACTED] although Peter stated that he can prove that he wasn't and also [REDACTED] were not taken from his care.

When asked about visitations with [REDACTED], he stated that he has not seen them in about 5 weeks because of difficulties with the foster parent. He stated that he was unaware that the service plan called for him to be involved in parenting and thus he stated that he has not attended any classes. Peter stated that he has seen Dr. Barthel on an occasional basis since he was in high school although he was rather vague regarding the recent frequency of sessions although he did note that he had made an appointment the day previous to the evaluation.

Peter stated that he has known [REDACTED] and [REDACTED] for about 2 years and he described both of them as being "hyperactive - all over the place." He stated that [REDACTED] has to have what he wants or else he never stops crying. Peter stated that he was the primary caretaker for [REDACTED] which included bathing and feeding them and he stated that he began to get concerned that [REDACTED] were getting too attached to him instead of their mother. He stated that he felt that Jaylin was not serious about having children and that he had previously suggested to her that she give [REDACTED]

Peter was administered 2 parenting inventories, the Child Abuse Potential Inventory (CAPI) and the Adult Parenting Inventory (API). The profile on both inventories are very strongly suggestive of the potential for dysfunctional parenting and physically abusive types of behavior. His profile on the API suggests an individual who is not very sensitive or responsive to children's emotional needs and he does seem to be lacking in empathy. This type of profile is oftentimes found among parents who fear spoiling their child which results in the child being left unattended or neglected. The profile further suggests the view that the normal developmental demands that children have may be perceived as bothersome and annoying and he does seem to be lacking in nurturing skills and unable to handle parenting pressures. There were also very strong indications of the potential for role reversal, i.e., he may well expect [REDACTED] to make life better by providing the parent with love, assurance and comfort and again this suggests an individual who has very little understanding of children at a feeling level. The profile on the CAPI is clinically elevated and strongly suggestive of the potential for abusive behavior. The profile suggests antisocial characteristics in an individual with limited intellectual abilities and the validity in places suggest that Peter did attempt to present himself in a favorable manner. Individuals with elevated abuse scores typically show more evidence of confused thinking patterns and unique perceptions of the world and tend to be reactive to parent-child related stressors. He does seem to have rather rigid attitudes and expectations relating to the appearance and behavior

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of children and these may be expressed through the forceful effort to make children fit a rigid predefined mold without relevance or understanding of the children's individual capabilities or developmental skills. Peter also seems to be prone to displace the cause of difficulties onto others and relationships may be viewed rather negatively rather than as a resource. The profile overall suggests a highly conflictual family.

EMOTIONAL STATUS AND PERSONALITY ASSESSMENT: The mental status examination and results of the personality and projective measures did not reveal indications of disabling psychopathology, impairment of reality contact or any psychotic related symptomatology. Peter stated that he has been involved in counseling with Dr. Barthel since he was an adolescent although he does not present this as ever having been very regular or systematic. There is no history of psychiatric hospitalization. He stated that he has never done anything to hurt himself and denies any suicidal ideation although he did note that sometimes he feels that suicide might help the situation. He also commented that Jaylin had told him that she had cut her wrist one time.

Emotionally, Peter described himself as typically feeling "junk" and he stated that he is often depressed and sad and wants to cry because of all his difficulties and problems. He was unable to recall any particularly happy or satisfying life events and overall his sense of self appears to be rather poorly developed and negative. He commented that people usually think that he is a criminal. Much like Jaylin, he perceives others as not being very available and supportive of him although his emotional neediness is not so evident. Psychologically he comes across as extremely immature and confused.

The personality measures further suggest an individual who appears to be not very emotionally involved with others and he seems to be quite suspicious and distrustful. He does acknowledge a great deal of stress and numerous psychological problems while concurrently making naive attempts at fostering an image of healthy adjustment. He does seem to be quite resentful of any demands placed upon him. He seems to perceive of himself in a rather passive manner as a victim of life and this may well be used as a rationalization for any acting out behavior. The potential for impulsive acting out is very strongly suggested which may be followed by a sense of despondency although this likely is not strong enough to inhibit further behavioral problems.

DIAGNOSTIC IMPRESSION:

1. Antisocial Personality Disorder (301.70).

SUMMARY AND RECOMMENDATIONS: The psychological evaluation of this couple reveals both individuals to display pervasive and long-standing features of marked psychological disturbance and a poorly developed personality

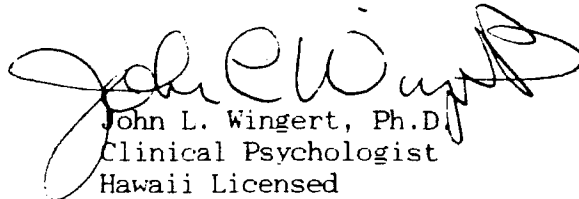
PSYCHOLOGICAL EVALUATION

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KEMA, Peter

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structure which results in them being rather emotionally reactive and unstable. Jaylin and Peter both come across as extremely emotionally needy and immature persons who are evasive of responsibility and who displace the source of difficulties onto others. They appeared to be so wrapped up in their own adjustment problems and unhappiness to the point that this compromises their ability to be empathic and understanding of the children's needs and neither of them comes across as particularly child oriented. Peter and Jaylin are seen as at very high risk for future abusive behavior and it is certainly recommended that [REDACTED] be returned to their care at this time. A prognosis for significant change is seen as extremely poor unless there is a very definite and dramatic turnaround in their attitudes, perceptions and behavior that is sustained and meaningful. Acknowledgment and understanding of the circumstances relating to abuse of [REDACTED] is a very necessary first step. Mental health counseling services as outlined in the service plan appear appropriate to the couple's needs and consideration should also be given to involving them in an anger management class.


John L. Wingert, Ph.D.
Clinical Psychologist
Hawaii Licensed

JLW:jnm

CHRISTOPHER E. BARTHEL, III, Ph.D.

Psychologist, Hawaii Certified

P.O. Box 1811

Kamuela, Hawaii 96743

DEPT OF HUMAN SERVICES
Family Services Division

NOV 4 1991

(808) 775-9147 • Hilo Telephone (808) 961-2525

November 2, 1991

EH Social Services Division
Hilo, Hawaii

[REDACTED]
Hawaii Branch Administrator
Attention: [REDACTED] Social Worker
Family and Adult Services Division
P. O. Box 1562
Hilo, Hawaii 96721-1562

Re: [REDACTED] & Kema [REDACTED]
FC-S No. [REDACTED] & 91-48

Dear [REDACTED]:

Recently, I received a letter from [REDACTED] and a copy of the Revised Service Plan and Agreement, dated September 7, 1991, on the above-named family. At the request of Mr. Kema and, later, Ms. Acol, I began serving as their psychotherapist back in the summer. In view of their review hearing in late November, I would like to share my views of the couple.

As a client of Queen Liliuokalani Children's Center, Peter Kema was referred to me for counseling when he was a teenager. In that capacity, I got to know Peter, his background, the traumas that have occurred in his life, and his strengths and weaknesses. Four or five years had elapsed when Peter called me in May of this year, reaching out for help in view of the difficulties he and his girlfriend were experiencing [REDACTED] and, later, with CPS intervention in Kona. We began seeing each other on a weekly basis in late July, after the birth of Peter, Jr., and the return of Jaylin's children from Kona.

My initial impressions were of a young, inexperienced couple seeking help to understand what was happening in their lives, as individuals, as a couple, as parents, and as persons involved with governmental systems. Essentially they were eager to talk and share their frustration and perplexities in all of those areas. As time went on, I was struck by their desire to do the right thing, contrasted with their fairly adolescent adjustment in life. They strongly desired to be good parents, to support each other, and to be able to deal effectively with the systems impinging on their family. But, often, they were not knowledgeable, practiced, experienced, nor sophisticated.

EXHIBIT C

██████████
Re: ██████████ & Kema ██████████

November 2, 1991

Page 2

Consequently their intentions were often met with frustrations or went unrealized. Nevertheless, they showed concern over their children. For instance, prior to CPS intervention in mid-August, they expressed strong worry in counseling about Peter Jr.'s pain-response to touching and their awareness of ██████████ jumping on the infant. Yet they were puzzled as to what to do, although they had apparently sought medical opinion from Dr. Hur.

Numerous stressors were besetting Peter and Jaylin when I first met them. Their finances and poor money management, their infant's health, concerns about each other's competency as parents, and CPS/Family Court interventions created considerable pressure on this young couple. As time progressed up until the current time, the stressors skyrocketed in number and intensity: Peter Jr.'s fractures, the removal of ██████████, the loss of income as a result of the ██████████, consequential changes in living arrangements, Jaylin's surgery, Peter's arrest and incarceration in early October for an alleged offense occurring in the summer of 1990, loss of employment, difficulties with transportation, problems in facilitating visits with the children, problems relating to the financing and possible foreclosure of the Kema ohana family home in Kona, and an overriding sense of emotional strain and sense of powerlessness, particularly felt by Peter as a young Hawaiian male.

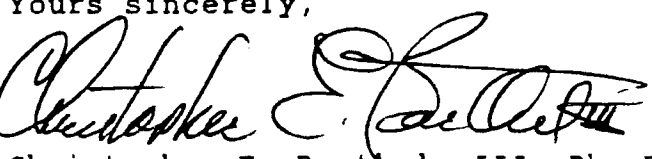
These mounting stressors have made it very difficult for either Peter or Jaylin to function in a consistently effective way. Counseling sessions have not been focused on the nuances of personal, interpersonal, or parental competencies but upon survival, from moment to moment. The young people need direction, support, guidance, respect, and empowerment but are receiving very little in their lives. Their own chaotic responses and sometimes impulsive inconsistencies periodically tend to defeat whatever direction they are being offered. Yet, they continue to reach out in counseling and are looking for answers and solutions, despite their exceptionally heavy stressors and the bleakness of their situation.

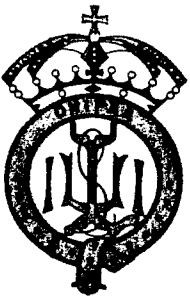
The current plan to place the ██████████ with ██████████ in Kona, of course, adds further stress to the couple, since they view ██████████ as unsupportive and almost as antagonists. They fear that the distance from Hilo to Kona will only increase visitation problems, making contacts with ██████████ less frequent, and they are probably right, given their finances and transportation problems.

re: [redacted] & Kema [redacted]
November 2, 1991
Page 3

I strongly recommend that manipulated changes in the lives of Jaylin and Peter and [redacted] be minimized and that everyone involved with them work towards facilitating the strengths and empowerment of this family. I urge that plans move in a step-by-step fashion with an avoidance of simultaneous multiple expectations. Thus I would cite as step one the gaining of some sort of financial stability via employment, budgeting, gradual assessment of residential and transportation needs, etc. Closely aligned, step two would include regular visitation with the [redacted]. At this point, the arrangements for the visitations should not be left up to the parents and the caretakers of the children, but should be specifically negotiated, spelled out, and monitored by CPS, so that difficulties could be ironed out quickly and that this aspect of their lives could be very predictable. Given the pressures on the young couple, I believe that CPS should insure/facilitate the visits without initially expecting Jaylin and Peter to provide transportation, money, etc., to realize those contacts. We should all be striving in the simplest manner possible to guarantee regular contacts between the children and Jaylin and Peter. Expectations concerning the young couple's responsible initiation and carry-through of their role as parents should come, but later at a later step. As visits progress, step three would include auxilliary services such as parenting, nuturing classes, Alternatives to Violence, etc.

I hope that the future for Jaylin and Peter and their [redacted] will involve less complexity, less stress, and a greater effectiveness and sense of empowerment. Please contact me if questions arise from this report. I look forward to further team efforts on this young family's situation.

Yours sincerely,

Christopher E. Barthel, III, Ph. D.
Psychologist, Licensed Hawaii



QUEEN LILIUOKALANI
CHILDREN'S CENTER

DEPT. OF HUMAN SERVICES
Family & Adult Services Division

NOV 8 1991

EH Social Services Section
Hilo, Hawaii

LILIUOKALANI TRUST

November 6, 1991

MAIN OFFICE/CENTRAL UNIT
1300 HALONA STREET
HONOLULU, HI 96817
PHONE 847-1302

LEEWARD UNIT
87-1876 FARRINGTON HIGHWAY
WAIANA'E, HI 96792
PHONE 668-2314

WINDWARD UNIT
53-516 KAMEHAMEHA HIGHWAY
HAUULA, HI 96717
PHONE 293-8577

HILO UNIT
919 ULULANI STREET
HILO, HI 96720
PHONE 935-9381

KONA UNIT
QUEEN KAAHUMANU HIGHWAY
P.O. BOX 2819
KAUNAKONA, HI 96745
PHONE 329-7336

MOLOKAI UNIT
KAMEHAMEHA V HIGHWAY
P.O. BOX 55
KAUNAKAKAI, HI 96748
PHONE 553-5369

MAUI UNIT
1498E LOWER MAIN STREET
WAILUKU, HAWAII 96793
PHONE 242-8888

KAUAI UNIT
4347 RICE STREET, SUITE 201
LILUOUE, HAWAII 96766
PHONE 245-1873

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

ATTENTION: [REDACTED]

Dear [REDACTED]:

RE: [REDACTED] AND KEMA CHILDREN
FC-S NO. [REDACTED] & 91-48.

This is in response to your letter dated September 30, 1991, re: Miss Jaylin Acol, Mr. Peter Kema, and [REDACTED], [REDACTED], and Peter Kema.

As you already know Miss Jaylin Acol, Mr. Peter Kema and the [REDACTED] were enrolled in the Queen Lili'uokalani Children's Center's Nurturing Program. The Nurturing Program is family based and requires the participation of all family members. The program started on September 18, 1991 and will end on November 27, 1991. All sessions are held at the Queen Lili'uokalani Children's Center, 919 Ululani Street on Wednesdays, from 5:00 p.m. to 8:00 p.m.

Prior to the onset of the program all participants are informed of the following:

1. Parents and children should attend and complete all group sessions as a family unit.
2. At the end of the third session they have the option to decide against completing the program.
3. For those participants who have not attended the first, second and third sessions consecutively as a family unit, they will not be able to attend subsequent session in the program.

EXHIBIT D

[REDACTED]
November 6, 1991

Page 2

4. Queen Lili'uokalani Children's Center will provide meals during the Nurturing sessions.

5. Transportation to and from program is the responsibility of the participants.

Ms. Jaylin Acol, Mr. Peter Kema and the [REDACTED] attended Day One (1) of the Nurturing Program. However only Ms. Acol and the [REDACTED] completed the first session. Mr. Peter Kema was in the session for about 30-45 minutes but abruptly left without notifying anyone of his departure.

According to Ms. Acol, Mr. Kema left the first session for three (3) reasons:

1. Mr. Kema just got off work and felt a need to take a shower. He was feeling uncomfortable and did not want to offend anyone in the group.
2. Mr. Kema was also experiencing pain in his back area. He felt he was not able to contribute to the group or concentrate on the information being presented due to his discomfort.
3. Mr. Kema perceived Queen Lili'uokalani Children's Center's efforts of strong invitation to all its group members as being coerced into being a participant in the group.

Queen Lili'uokalani Children's Center did not verify the above with Mr. Peter Kema.

Ms. Acol said, the couple could not attend the second Nurturing session because they were in Kona tending to a family crisis involving a serious dispute over a house which Mr. Kema claims to be a co-owner.

With regards to the third session, Ms. Acol had shown an interest in attending this session alone, because Mr. Peter Kema was allegedly incarcerated at the Hawaii Correctional Center. However Queen Lili'uokalani Children's Center did not allow this due to previous stated participants requirements of attendance.

By the fourth session, Ms. Acol noted, Mr. Kema had been released from the Hawaii Correctional facility and they were ready to resume attendance. In spite of the couple's interest Queen Lili'uokalani Children's Center denied re-entry as it was our opinion it would disrupt the cohesion of the group coupled with previous stated requirements of attendance.

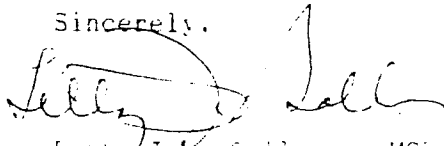
November 6, 1991
Page 3

The children completed Day One of the Nurturing Program. They appeared to enjoy themselves and seemed at ease in the presence of Ms. Acol and Mr. Kema.

It may be significant to note we invited and encouraged the couple to attend our next Nurturing Program sessions which are tentatively scheduled for September 1992.

Should you have any questions, please feel free to call me at 935-9381.

Sincerely,



Letty Jane Galloway, MSW
Social Worker
Hilo Unit

APPROVED:



Lance Niimi
Hilo Unit Manager

LOG:es

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 1991, a copy of the foregoing was duly served upon the following parties by the method indicated below.

	By: <u>U.S. Mail</u>	By: <u>Hand-Delivery/ Court Jacket</u>
Edith Radl Guardian Ad Litem	X	
Nora Sanchez Attorney for Mother & Peter Kema, Sr.		X
Jaylin Acol Mother		X
Celia Urion Attorney for [REDACTED]	X	
[REDACTED] Father of [REDACTED] Children		X
Peter Kema, Sr. Father of Peter Kema Jr.		X
[REDACTED]	X	
Peter Kubota, Esq. Attorney of [REDACTED]		X

[REDACTED]
[REDACTED]
EH-Child Welfare Services II

In the Interest of [REDACTED]; FC-S No. [REDACTED] and
Peter Kema, Jr.; FC-S No. 91-48

SUPPLEMENTA REPORTS-SAFE HOME GUIDELINES (HRS 587-40) dated
November 22, 1991

lkm

COPY

M. J.

WARREN PRICE III 1212
Attorney General
State of Hawaii

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

DEC 5 10 51 AM '91
J. LEIALOHA
CLERK

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

In the Interest of

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

) FC-S NOS. [REDACTED]
) 91-48
)
) ORDER RE: CHAPTER 587, H.R.S.,
) AS AMENDED
)
)
)
)
)
) HEARING: November 27, 1991
)
) HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

- [X] JAYLIN KEMA, Mother;
- [] PETER KEMA, SR., Father of Kema Child;
- [X] WILLIAM SMITH, Counsel for Mother and Mr. Kema;
- [] [REDACTED], Father of [REDACTED] Children;
- [X] CELIA URION, Counsel for [REDACTED];
- [X] EDITH RADL, Guardian Ad Litem;
- [X] [REDACTED], DHS Social Worker;
- [X] ALEY K. AUNA, JR., Deputy Attorney General;
- [X] [REDACTED], [REDACTED];
- [X] PETER KUDOTA, Attorney; [REDACTED];
- [] _____;
- [] _____;
- [] _____;

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

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:

- / Under the circumstances that were presented by this case, reasonable efforts are being made or have been made by DHS to make it possible for the children to return to the family home;
- / The children's family is not presently willing and able to provide the children with a safe family home, even with the assistance of a service plan;
- / 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 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at the previously scheduled review hearing, which will be held on March 4, 1992, at 9:00 a.m., before the Honorable Ben H. Gaddis;

4 The following exhibits are admitted into evidence and made a part of the record, provided that the parties reserve the right to cross-examination thereon:

State's 1 DHS Supplemental Report-Safe Home Guidelines with exhibits filed November 22, 1991, prepared by [REDACTED], Social Worker;

State's _____;

5 Mr. Kema shall be appointed separate counsel and Mr. Smith shall represent Ms. Acol.

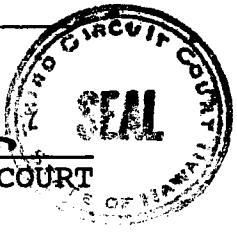
6 Order is made subject to ^{objections} approval of Mr. Kema within 10 days of this order.

7 [REDACTED] are allowed to intervene as parties subject to limitations as deemed appropriate by the court.

NOV 27 1991

DATED: Hilo, Hawaii, _____

B. H. [Signature]
JUDGE OF THE ABOVE-ENTITLED COURT



APPROVED AS TO FORM:
[Signature]

Edith Kawai Padd

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.)

TIM E. DE SILVA
969-1644

COUNSEL FOR (Name)

JAYLIN ACOL

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 9, 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.

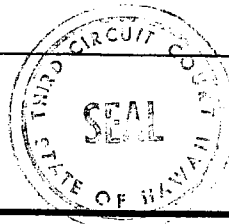
cc: Appointed Counsel (T. de Silva)
DAG (A. Auna)
DHS [REDACTED]
GAL (E. Radl)
Counsel [REDACTED] (C. Urion)
Fiscal

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED
1991 NOV 26 A 8:56
JOLENE LEALONA
CLERK

DATE
NOV 26 1991

JUDGE

R. H. [Signature]



COPY
STATE OF HAWAII
FAMILY COURT
THIRD CIRCUIT

ORDER SUBSTITUTING COUNSEL

CASE NUMBER
FC-S NO. [REDACTED]

In the Interest of
[REDACTED] and [REDACTED]
Children under the age of
eighteen years.

ORIGINAL COUNSEL
TIM E. DE SILVA

COUNSEL FOR (NAME)
**JAYLIN ACOL, nka
JAYLIN KEMA**

NEW COUNSEL (NAME & PHONE NO.)
**WILLIAM SMITH
967-8147**

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

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

IT IS FURTHER ORDERED that said counsel shall serve effective: November 25, 1991

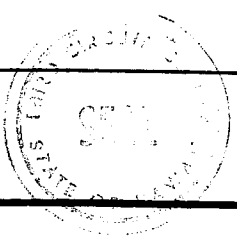
- without bond.
- without compensation.
- and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual, an agency or by the court as the circumstances may justify.

cc: Appointed Counsel
Discharged Counsel - T. de Silva
DAG - A. Auna
DHS - [REDACTED]
Counsel/ [REDACTED] - C. Urion
GAL - E. Radl
Fiscal

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED
1991 NOV 26 A. J. '91
JOEENE LIALOHA
CLERK

DATE
NOV 26 1991

JUDGE
[Signature]



STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	ORDER APPOINTING COUNSEL	CASE NUMBER FC-S NO. 91-48
---	---------------------------------	-------------------------------

In the Interest of
 PETER KEMA, JR.,
 A child under the age of
 eighteen years.

COUNSEL (NAME & PHONE NO.)
TIM E. DE SILVA
969-1644

COUNSEL FOR (Name)
JAYLIN ACOL
PETER KEMA, SR.

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.

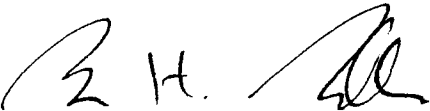
IT IS ALSO ORDERED that said counsel shall serve effective: July 9, 1991

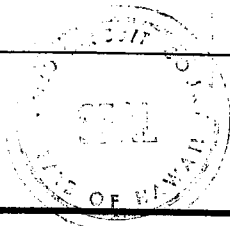
- without bond.
- without compensation.
- and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual or agency, or by the court as the circumstances may justify.

cc: Appointed Counsel (T. de Silva)
 DAG (A. Auna)
 DHS (REDACTED)
 GAL (E. Radl)
 Fiscal

JOEENE LIALONA
 CLERK
 1991 NOV 26 A 9 06
 THIRD CIRCUIT COURT
 STATE OF HAWAII

DATE
 NOV 26 1991

JUDGE




STATE OF HAWAII
FAMILY COURT
THIRD CIRCUIT

ORDER SUBSTITUTING COUNSEL

CASE NUMBER
FC-S NO. 91-48

In the Interest of
PETER KEMA, JR.,
A child under the age
of eighteen years.

ORIGINAL COUNSEL
TIM E. DE SILVA

COUNSEL FOR (NAME)
**JAYLIN KEMA
PETER KEMA, SR.**

NEW COUNSEL (NAME & PHONE NO.)
**WILLIAM SMITH
967-8147**

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

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

IT IS FURTHER ORDERED that said counsel shall serve effective: November 25, 1991

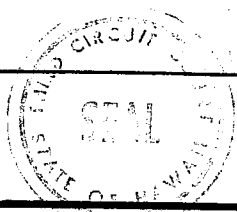
- without bond.
- without compensation.
- and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual, an agency or by the court as the circumstances may justify.

cc: Appointed Counsel
Discharged Counsel - T. de Silva
DAG - A. Auna
DHS - XXXXXXXXXX
GAL - E. Radl
Fiscal

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED
1991 NOV 26 A 9 09
JOEENE LIALOHA
CLERK

DATE
NOV 26 1991

JUDGE
B. H. Alli



STATE OF HAWAII
Department of Human Services
Public Welfare 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] (birthdate) in your home, agrees to:

- (will apply non-needy caretaker)*
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 interests;
3. Immediately notify the Department in case of any illness or serious difficulty with the child;
4. Consult the Department before allowing the child to leave our home overnight or for any period of time;

STATE OF HAWAII
Department of Human Services
Public Welfare 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] (birthdate) in your home, agrees to:

- (will apply non-ready caretaker)*
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2. Cooperate with the Department in planning and working for the child's best interests;
3. Immediately notify the Department in case of any illness or serious difficulty with the child;
4. Consult the Department before allowing the child to leave our home overnight or for any period of time;

NOTICE OF CUSTODY AND DELIVERY OF CHILD

DISTRICT: HL

TO SHELTER/DETENTION FACILITY

CLASSIFICATION: PROTECTIVE CUSTODY

CHILD'S NAME [REDACTED]	DATE OF BIRTH [REDACTED]	SEX <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
NAME OF ADULT CUSTODIAN Jaylin ACOL	RELATIONSHIP Mother	PROBATION OFFICER
ADDRESS [REDACTED]	PHONE NUMBER [REDACTED]	DHS WORKER

TO THE HONORABLE PRESIDING JUDGE OF THE FAMILY COURT, THIRD CIRCUIT:

Notice is hereby given that the minor named above was taken into custody by an authorized police officer; that said minor has been brought to the The Salvation Army/Hilo Interim Home, The Salvation Army/Kona Interim Home or Kona Emergency Shelter to be sheltered detained, and that the legal basis for such action and the reason why said minor was not released to his parent or other responsible adult are set forth below:

Legal basis for taking minor into custody: (Please check appropriate box)

- (a) Minor has violated a state or federal law or a county or municipal ordinance.
- (b) There are reasonable grounds to believe that minor has runaway from his parents, guardian or legal custodian. (Sec. 571-11(2)(b) HRS)
- (c) Minor has been taken into custody by order of a Judge.
- (d) Minor has allegedly violated the terms of his/her probation/protective supervision.
- (e) Minor has been apprehended for court appearance.
- (f) Minor is seriously endangered in his/her surroundings and immediate removal appears to be necessary for his/her protection. (Sec. 587-22 HRS - Protective Custody)

Reason why minor was not released: (Please check appropriate box)

- (a) Minor is being detained for his/her immediate welfare.
- (b) Minor is being detained for the protection of the community.
- (c) Minor has been ordered detained by a Judge of the court.

SIGNATURE OF OFFICER SEEKING SHELTER/DETENTION OF MINOR <i>Harley HEE</i>	BADGE # 108	DATE 5-8-91	TIME 2000
--	----------------	----------------	--------------

SIGNATURE OF OFFICER DELIVERING MINOR TO FACILITY <i>Harley HEE</i>	BADGE # 108	DATE 5-8-91	TIME 2030
--	----------------	----------------	--------------

Notice is hereby given that the above identified minor was accepted for custody at The Salvation Army/Hilo Interim Home, The Salvation Army/Kona Interim Home or Kona Emergency Shelter, subject to release or continued shelter detention as provided by law.

SIGNATURE OF PERSON RECEIVING CHILD AT FACILITY [REDACTED]	TITLE Social Worker	DATE 5/8/91	TIME 2035
---	------------------------	----------------	--------------

NOTICE OF CUSTODY AND DELIVERY OF CHILD

DISTRICT: HL

TO SHELTER/DETENTION FACILITY

CLASSIFICATION: PROTECTIVE CUSTODY

CHILD'S NAME [REDACTED]	DATE OF BIRTH [REDACTED]	SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
NAME OF ADULT CUSTODIAN Jaylin ACOL	RELATIONSHIP Mother	PROBATION OFFICER
ADDRESS [REDACTED]	PHONE NUMBER [REDACTED]	DHS WORKER

TO THE HONORABLE PRESIDING JUDGE OF THE FAMILY COURT, THIRD CIRCUIT:

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- (b) Minor is being detained for the protection of the community.
- (c) Minor has been ordered detained by a Judge of the court.

SIGNATURE OF OFFICER SEEKING SHELTER/DETENTION OF MINOR <i>Harley HEE</i> Harley HEE #108	BADGE # 108	DATE 5-8-91	TIME 2000
---	----------------	----------------	--------------

SIGNATURE OF OFFICER DELIVERING MINOR TO FACILITY <i>Harley HEE</i> Harley HEE	BADGE # 108	DATE 5-8-91	TIME 2030
--	----------------	----------------	--------------

Notice is hereby given that the above identified minor was accepted for custody at [] The Salvation Army/Hilo Interim Home, [] The Salvation Army/Kona Interim Home or [] Kona Emergency Shelter, subject to release or continued [] shelter [] detention as provided by law.

SIGNATURE OF PERSON RECEIVING CHILD AT FACILITY [REDACTED]	TITLE Social Worker	DATE 5/8/91	TIME 2035
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3. Child's dentist is: Dr. Jones
Name: _____
Address: 77-6443 Kuaiki Hwy Ste B
Phone: 329-6367

Child's last appointment was on _____ Date

Child's next appointment is on _____ Date at _____ Time

4. Child's medical plan:
ASS Name Taylor Number 00001449-71-9 Cov. Acc Cond. _____
Subscriber: Taylor Acc
How prescriptions are paid: ASS

5. Child's known health (physical/emotional) problems are:
None identified

(Specify known health problems, e.g. allergies. Attach copy of current DOE medical Form 14)

6. Child's immunizations are / are not _____ up to date. Immunization record is attached. (Attach DOE medical Form 14 or DOH Immunization Record)

The plan to bring child up to date in immunizations is:
Like test 9/11-12/87 Polio 1) 3/10/87 - 2) 5/12/87 3) 5/10/88
(If not specified in #1, specify appointment time and date.) HIB- 8/15/88 DPT - 3/10/1987 5/12/87 7/23/87

7. Child is on the following medications:
None at this time

(Specify/provide instructions. If medications are to be refilled, identify party responsible.)

8. Additional physical/mental health related problems of the child:
None identified

(Identify any additional problems substitute caretakers need to be aware of and what caretaker is to do in relation to problems. Include dietary needs, fears of child.)

State of Hawaii
Department of Human Services
Family and Adult Services Division

CHILD'S INFORMATION AND VISITATION PLAN

DATE 5/14/1991

Child's Name [REDACTED] Birthdate [REDACTED]
Last First Middle
Parents Jaylin Acon Address 28 - 2924 Kumuia St #26
Depue Rd, Hi.
Phone: 964-5811

In case of emergency, when parents cannot be reached, contact:

[REDACTED] Name Social Worker Relationship [REDACTED] Phone [REDACTED]
75-5995 Kuatini Hwy #573 Address Kailua-Kona,
96748

- * Social Worker: [REDACTED] Bus.: [REDACTED] Home: _____
- * Social Worker's Supervisor: [REDACTED] Bus.: [REDACTED] Home: _____
- * Section Administrator: [REDACTED] Bus.: [REDACTED] Home: _____

PLACEMENT:

Voluntary: _____ Police Protective Custody: _____ Court Order:

Court Status, date, is: _____

CHILD'S LEGAL STATUS:

Parents Child's atny (GAL): LEROY BOYLE Phone: 329-1213
 DHS Child's probation off.: _____ Phone: _____
 Family Court Parents' Attny: VICTOR COX Phone: 229-7944

3. Child's dentist is: Dr. Jones
Name: Dr. Jones
Address: 77-6443 Kuakini Hwy Ste B
Phone: 329-2367

Child's last appointment was on _____ Date _____
Child's next appointment is on _____ Date _____ at _____ Time _____

4. Child's medical plan:
DHS Taylor Acol 00000 90741-0 - Med
Name Number Cov. Cond.
Subscriber: Taylor Acol
How prescriptions are paid: DSS

5. Child's known health (physical/emotional) problems are:
NONE identified

(Specify known health problems, e.g. allergies. Attach copy of current DOE medical Form 14)

6. Child's immunizations are are not _____ up to date. Immunization record is attached. (Attach DOE medical Form 14 or DOH Immunization Record)
DPT- 3/10/87 5/12/87 7/23/87 3/10/88
MMR 5/10/88 T1B 3/15/88 T1E TEST 2/29 2/11/91
The plan to bring child up to date in immunizations is: _____

_____ (If not specified in #1, specify appointment time and date.)

7. Child is on the following medications: None at this time

(Specify/provide instructions. If medications are to be refilled, identify party responsible.)

8. Additional physical/mental health related problems of the child:
NONE identified

(Identify any additional problems substitute caretakers need to be aware of and what caretaker is to do in relation to problems. Include dietary needs, fears of child.)