

COPY

JOHN WAIHEE
GOVERNOR



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STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
SOCIAL SERVICES DIVISION - HILO OFFICE
101 AUPUNI STREET, SUITE 1014-D
HILO, HAWAII 96720-4246
TELEPHONE (808) 933-4786
FAX (808) 933-4789

MEMORANDUM CORRESPONDENCE

TO: KRIS LaGUIRE, ESQ.
CELIA URION, ESQ.
STEVEN STRAUSS, ESQ.
PETER KUBOTA, ESQ.
EDITH RADL, ESQ.

FROM: ALEY K. AUNA, JR. *AKA*
Deputy Attorney General

DATE: April 4, 1994

RE: In the Interest of the [REDACTED] /Kema Children;
FC-S Nos. [REDACTED] and 91-48

Please find enclosed a copy of a report dated February 16, 1994 from Dr. Terry Fujioka regarding [REDACTED]. DHS expects to offer this report into evidence whenever the contested hearing is held.

Should you have any questions, please feel free to contact me. Thank you.

Enclosures.

cc: [REDACTED]

JOHN WAIHEE
GOVERNOR

DEPT. OF HUMAN SERVICES
Family & Adult Services Division



JAN - 8 1992

STATE OF HAWAII

WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
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DEPARTMENT OF THE ATTORNEY GENERAL
EH Social Services Section SOCIAL SERVICES DIVISION - HILO OFFICE
Hilo, Hawaii

101 AUPUNI STREET, SUITE 1014-D


HILO, HAWAII 96720-4246

(808) 933-4786



FAX (808) 933-4789

MEMORANDUM CORRESPONDENCE

TO: EDITH RADL, ESQ.
CELIA URION, ESQ.
STEVEN STRAUSS, ESQ.
WILLIAM SMITH, ESQ.
PETER KUBOTA, ESQ.

FROM: ALEY K. AUNA, JR. 
Deputy Attorney General

DATE: January 7, 1992

RE: In the Interest of the  and Kema Children;
FC-S Nos.  and 91-48

It is my understanding that there is an agreement regarding the Service Plan and Agreement dated December 13, 1991. Accordingly, I have drafted a Stipulation.

Please sign where indicated and forward the original to the next one in line as listed above. The original is being sent to Ms. Radl first and copies are being sent to everyone else for their review.

Should you have any questions, please feel free to contact me. Thank you.

AKA:mk

✓cc:  DHS/CWS-Hilo

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

DEPARTMENT OF HUMAN SERVICES
STATE OF HAWAII
HONOOLULU

92 JAN -7 09 04 58

OLGA I. HAYASHI

Petitioner

A Confidential Report of the
Department of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]

[REDACTED]

PETER KEMA, JR.
Born on May 01, 1991

A child under the age
of eighteen years.

) FC-S No. [REDACTED]
) (Hilo) 91-48

) SECOND SUPPLEMENTAL
) REPORT-SAFE HOME GUIDELINES
) (HRS 587-40); EXHIBIT "A";
) CERTIFICATE OF SERVICE

) JUDGE: BEN H. GADDIS

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

The Department of Human Services (DHS) hereby submits the revised Service Plan and Agreement dated December 13, 1991, attached hereto as Exhibit "A".

DATED: Hilo, Hawaii, January 6, 1992.

Respectfully submitted,

[REDACTED]
Social Worker
Petitioner

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

SERVICE PLAN AND AGREEMENT

Date: December 13, 1991

Child's name: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]
[REDACTED] [REDACTED]
Kema, Jr., Peter 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 (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema, Jr., as the perpetrator of harm to [REDACTED]. 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] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991. Continuing assessment of the family's needs indicates significant stress on a young, relatively inexperienced family, which continues a threat of harm to [REDACTED].

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and all three children were taken into foster custody by the DHS. 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 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 [REDACTED] with their parents in a safe family home.

EXHIBIT A

The secondary goal is to provide [REDACTED] with a safe, stable, nurturing, alternative, permanent family home.

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

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

TO DEMONSTRATE BUDGET, RESOURCE, AND TIME MANAGEMENT SKILLS SUFFICIENT TO MAINTAIN HOUSING, TRANSPORTATION, FOOD AND CONTACT WITH THE CHILDREN

TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS

TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT

TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT

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

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

1. Seek and maintain employment.
 - a. Make enough money together to pay rent, utilities and other essential bills on time by the review date of February 12, 1992.
2. Maintain contact with the children by:
 - a. Telephone calls to [REDACTED] between 5:30 and 7:30 p.m., at least 3 to 4 times per week. One call per day is acceptable. More calls than one per day is not acceptable, and calls to the work place of [REDACTED] are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)
 - b. Each call should have an identified purpose i.e. [REDACTED], I'd like to talk with [REDACTED] for 3 minutes each, then talk with [REDACTED] about arranging a visit, if you have the time."

- c. Each call to [REDACTED] should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if [REDACTED] become upset).
 - d. Conversations between the parents and the [REDACTED] concerning visits or problems or disagreements, etc., should be separated from contact with [REDACTED]. [REDACTED] should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through the children.
 - e. Visiting the [REDACTED]:
 - 1. After at least 24 hours notice in order to arrange visiting, supervision, etc.
 - 2. With the supervision of a responsible adult at all times [REDACTED]
 - 3. If in Kona, time, length and location of visit must be arranged with [REDACTED]. As both foster parents work, their schedules must be considered.
 - 4. If the [REDACTED] are coming to Hilo, [REDACTED] will inform the parents as soon as possible, at least 24 hours in advance, to offer an opportunity for the parents to arrange a visit while the [REDACTED] are in Hilo.
 - f. Visiting with [REDACTED] is for the purpose of reducing [REDACTED] anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between child(ren) and parent. Visits, and telephone contacts are at the discretion of the DHS, and may be increased, decreased, suspended, or otherwise changed by the DHS to meet [REDACTED] needs, or to protect them.
3. Participate in counselling with Dr. Kit Barthel, Ph.D.:
- 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. Anger management techniques (commonly provided through groups such as Alternatives to Violence);
 - 9. 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.
4. **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 [REDACTED]
5. **Not use any physical discipline with the children.**

6. Maintain regular contact with the DHS to discuss problems and progress with this service plan.
 - a. Contact the assigned DHS social worker at least every other 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 their occurrence.
7. Allow the DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.

B. The DHS will:

1. Monitor problems and progress with this service plan by maintaining contact, verbal, written, or face to face, with the service providers.
2. Maintain regular contact with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the GAL.
4. Assess the effectiveness and utilization of services provided.
5. Maintain regular contact with [REDACTED] and the foster parent to assure appropriate care for [REDACTED] and appropriate support for the foster parent.

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

- A. Maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.
- B. Continue to transport [REDACTED] and Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.
- C. Encourage [REDACTED] to communicate with Jaylin and Peter by visiting, writing, phone calls, pictures, etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.

- D. Continue to establish clear rules for [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 [REDACTED] 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 [REDACTED] 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.
- I. Continue the visits between [REDACTED] and [REDACTED]

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.

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], 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 of [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] 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 4, 1992.

X. SERVICE AGREEMENT:

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

Jaylin Acol
Mother

Date

[REDACTED]
Social Worker

1/6/92
Date

Peter Kema Sr.

Date

Father of Peter Kema Jr.

I certify I have reviewed this document.

[REDACTED]
Supervisor

Date

Representing the Department
of Human Services

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 1992, a copy of the foregoing was duly served upon the following parties by the method indicated below.

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

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

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

SECOND SUPPLEMENTAL REPORT-SAFE HOME GUIDELINES (HRS 587-40) dated
January 6, 1992.

lkm

each term, condition, and consequence of the Service Plan and Agreement dated December 13, 1991, attached as Exhibit "A", be ordered by the Court.

DATED: Hilo, Hawaii, _____.

STEVEN STRAUSS
Attorney for Mr. Kema

CELIA URION

WILLIAM SMITH
Attorney for Mother

PETER KUBOTA

EDITH RADL
Guardian Ad Litem

ALEY K. AUNA, JR.
Deputy Attorney General
Attorney for The Department
of Human Services

APPROVED AND SO ORDERED:

JUDGE OF THE ABOVE-ENTITLED COURT

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

SERVICE PLAN AND AGREEMENT

Date: December 13, 1991

Child's name: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]
[REDACTED] [REDACTED]
Kema, Jr., Peter 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 (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema, Jr., as the perpetrator of harm to [REDACTED]. 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] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991. Continuing assessment of the family's needs indicates significant stress on a young, relatively inexperienced family, which continues a threat of harm to [REDACTED].

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

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The primary goal is to reunite [REDACTED] with their parents in a safe family home.

EXHIBIT A

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

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

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TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT

TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT

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

1. Seek and maintain employment.

a. Make enough money together to pay rent, utilities and other essential bills on time by the review date of February 12, 1992.

2. Maintain contact with the children by:

a. Telephone calls to [REDACTED] between 5:30 and 7:30 p.m., at least 3 to 4 times per week. One call per day is acceptable. More calls than one per day is not acceptable, and calls to the work place of [REDACTED] are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)

b. Each call should have an identified purpose i.e. [REDACTED] I'd like to talk with [REDACTED] for 3 minutes each, then talk with [REDACTED] about arranging a visit, if you have the time."

6:00-6:30

- c. Each call to the children should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if [REDACTED] become upset).
 - d. Conversations between the parents and the [REDACTED] concerning visits or problems or disagreements, etc., should be separated from contact with the children. [REDACTED] should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through the children.
 - e. Visiting the [REDACTED]
 - 1. After at least 24 hours notice in order to arrange visiting, supervision, etc.
 - 2. With the supervision of a responsible adult at all times. [REDACTED]
 - 3. If in Kona, time, length and location of visit must be arranged with [REDACTED]. As both foster parents work, their schedules must be considered.
 - 4. If the [REDACTED] are coming to Hilo, [REDACTED] will inform the parents as soon as possible, at least 24 hours in advance, to offer an opportunity for the parents to arrange a visit while the [REDACTED] are in Hilo.
 - f. Visiting with [REDACTED] is for the purpose of reducing [REDACTED] anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between child(ren) and parent. Visits, and telephone contacts are at the discretion of the DHS, and may be increased, decreased, suspended, or otherwise changed by the DHS to meet [REDACTED] needs, or to protect them.
3. 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. **Anger management techniques (commonly provided through groups such as Alternatives to Violence);**
 - 9. **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.**
4. **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.**
5. **Not use any physical discipline with the [REDACTED]**

6. Maintain regular contact with the DHS to discuss problems and progress with this service plan.
 - a. Contact the assigned DHS social worker at least every other 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 their occurrence.
7. 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.

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2. Maintain regular contact with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the GAL.
4. Assess the effectiveness and utilization of services provided.
5. Maintain regular contact with the children and the foster parent to assure appropriate care for the children, and appropriate support for the foster parent.

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

- A. Maintain confidentiality with regards to the [REDACTED] family and the abuse they have suffered, as far as you are able.
- B. Continue to transport [REDACTED] and Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.
- C. Encourage [REDACTED] to communicate with Jaylin and Peter by visiting, writing, phone calls, pictures, etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.

- D. Continue to establish clear rules for [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 [REDACTED] 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 [REDACTED] 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.
- I. Continue the visits between [REDACTED] and [REDACTED]

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.

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], 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 4, 1992.

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 2/12/92
Mother Date

[REDACTED] 1/6/92
Social Worker Date

Peter J. Kema Sr. 2-12-92
Peter Kema Sr. Date
Father of Peter Kema Jr.

I certify I have reviewed this document.

[REDACTED] 1/6/92
Supervisor Date

Representing the Department
of Human Services

COPY

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

RECEIVED
COURT CLERK
FEB 25 1991

92 FEB 25 PM 1:30

J. LEALOHA
CLERK

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]

[REDACTED]

PETER KEMA, JR.
Born on May 1, 1991

Children under the age of
eighteen years.

) FC-S NOS. 91-36
) 91-48

) STIPULATION ORDERING SER-
) VICE PLAN AND AGREEMENT;
) ORDER; EXHIBIT "A"

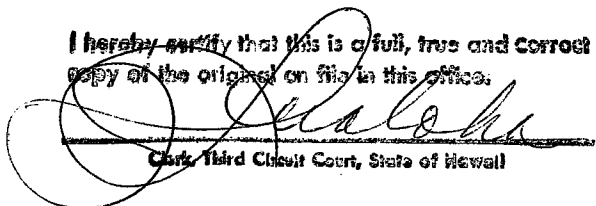
STIPULATION ORDERING SERVICE PLAN AND AGREEMENT

WHEREAS, each term, condition, and consequence of the Service Plan and Agreement dated December 13, 1991, and attached as Exhibit "A", has been thoroughly explained to and is understood by each party; and,

WHEREAS, it is in the best interests of [REDACTED] that each term, condition, and consequence of the said Service Plan and Agreement be ordered;

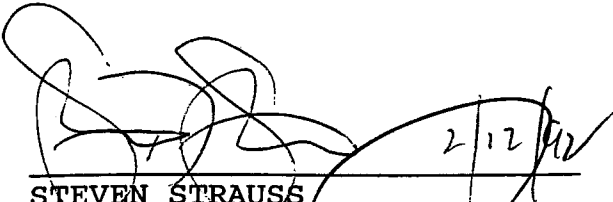
NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that

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

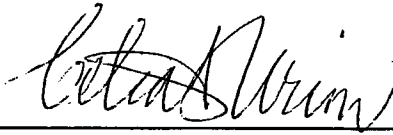

Clerk, Third Circuit Court, State of Hawaii


each term, condition, and consequence of the Service Plan and Agreement dated December 13, 1991, attached as Exhibit "A", be ordered by the Court.


DATED: Hilo, Hawaii, FEB 13 1992.


2/12/92

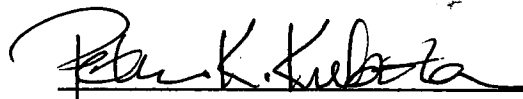
STEVEN STRAUSS
Attorney for Mr. Kema




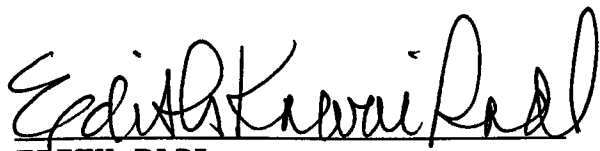
CELIA URION




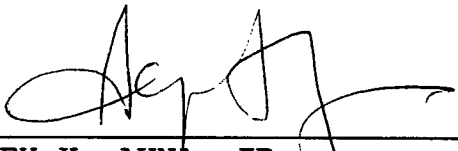
WILLIAM SMITH
Attorney for Mother



PETER KUBOTA




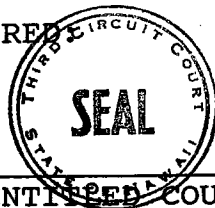
EDITH RADL
Guardian Ad Litem



ALEY K. AUNA, JR.
Deputy Attorney General
Attorney for The Department
of Human Services

APPROVED AND SO ORDERED

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

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

SERVICE PLAN AND AGREEMENT

Date: December 13, 1991

Child's name: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]
[REDACTED] e [REDACTED]
Kema, Jr., Peter 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 (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema, Jr., as the perpetrator of harm to [REDACTED]. 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] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991. Continuing assessment of the family's needs indicates significant stress on a young, relatively inexperienced family, which continues a threat of harm to [REDACTED].

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and [REDACTED] were taken into foster custody by the DHS. 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 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 [REDACTED] with their parents in a safe family home.

EXHIBIT A

The secondary goal is to provide [REDACTED] with a safe, stable, nurturing, alternative, permanent family home.

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

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

TO DEMONSTRATE BUDGET, RESOURCE, AND TIME MANAGEMENT SKILLS SUFFICIENT TO MAINTAIN HOUSING, TRANSPORTATION, FOOD AND CONTACT WITH THE CHILDREN

TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS

TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT

TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT

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

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

1. Seek and maintain employment.
 - a. Make enough money together to pay rent, utilities and other essential bills on time by the review date of February 12, 1992.
2. Maintain contact with the children by:
 - a. Telephone calls to [REDACTED] between 5:30 and 7:30 p.m., at least 3 to 4 times per week. One call per day is acceptable. More calls than one per day is not acceptable, and calls to the work place [REDACTED] are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)
 - b. Each call should have an identified purpose i.e. [REDACTED] I'd like to talk with [REDACTED] for 3 minutes each, then talk with [REDACTED] about arranging a visit, if you have the time."

- c. Each call to [REDACTED] should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if [REDACTED] become upset).
 - d. Conversations between the parents and the [REDACTED] concerning visits or problems or disagreements, etc., should be separated from contact with [REDACTED]. [REDACTED] should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through the children.
 - e. Visiting the [REDACTED]
 1. After at least 24 hours notice in order to arrange visiting, supervision, etc.
 2. With the supervision of a responsible adult at all times. [REDACTED]
 3. If in Kona, time, length and location of visit must be arranged with [REDACTED]. As both foster parents work, their schedules must be considered.
 4. If the [REDACTED] are coming to Hilo, [REDACTED] will inform the parents as soon as possible, at least 24 hours in advance, to offer an opportunity for the parents to arrange a visit while [REDACTED] are in Hilo.
 - f. Visiting with [REDACTED]s for the purpose of reducing [REDACTED] anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between child(ren) and parent. Visits, and telephone contacts are at the discretion of the DHS, and may be increased, decreased, suspended, or otherwise changed by the DHS to meet [REDACTED] needs, or to protect them.
3. 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. Anger management techniques (commonly provided through groups such as Alternatives to Violence);
 - 9. 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.
4. 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.
5. Not use any physical discipline with the children.

6. **Maintain regular contact with the DHS to discuss problems and progress with this service plan.**
 - a. **Contact the assigned DHS social worker at least every other 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 their occurrence.**
7. **Allow the DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.**

B. The DHS will:

1. **Monitor problems and progress with this service plan by maintaining contact, verbal, written, or face to face, with the service providers.**
2. **Maintain regular contact with family members through visits, phone calls, and collateral contacts.**
3. **Arrange other services as necessary, in consultation with the GAL.**
4. **Assess the effectiveness and utilization of services provided.**
5. **Maintain regular contact with the children and the foster parent to assure appropriate care for the children, and appropriate support for the foster parent.**

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

- A. **Maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.**
- B. **Continue to transport [REDACTED] and Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.**
- C. **Encourage [REDACTED] to communicate with Jaylin and Peter by visiting, writing, phone calls, pictures, etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.**

- 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 [REDACTED] 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 [REDACTED] 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.
- I. Continue the visits between [REDACTED] and [REDACTED]

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.

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] 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 of [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] 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

A CONFIDENTIAL REPORT OF
THE DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of)	FC-S No. [REDACTED]
[REDACTED])	91-48
[REDACTED])	
[REDACTED])	REPORT-SAFE HOME GUIDELINES
[REDACTED])	(HRS 587-40); EXHIBIT A-B;
[REDACTED])	SERVICE PLAN AND AGREEMENT
[REDACTED])	
PETER KEMA, JR.)	
Born on May 1, 1991)	
[REDACTED])	
Children under the age of)	JUDGE: BEN H. GADDIS
<u>eighteen years.</u>)	HEARING: APRIL 16, 1992
)	TIME: 9:30 A.M.

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

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

REPORT - SAFE HOME GUIDELINES (HRS 587-40)

Date: APRIL 01, 1992

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.

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

[REDACTED]
[REDACTED] Peter Kema, Jr., is now 2 weeks away from his first birthday.

All reports indicate that each of [REDACTED] is progressing as would be expected, with no noted delays or deficits. [REDACTED] has been receiving routine medical care, and some additional "urgent" care for sporadic earaches. The occasional earache, or infection, is not atypical of children these ages.

[REDACTED] attends Headstart, and stays part time with the day care provider who cares for [REDACTED] and Peter, Jr. while [REDACTED] works.

[REDACTED] have spent more of their lives in the care [REDACTED] their current caretakers, [REDACTED] than they have with their mother (Ms. Jaylin Acol aka Mrs. Jaylin Kema) or either "father" (Peter Kema, step father or [REDACTED], biological father). There have been no reports of [REDACTED] expressing fear of their caretakers, or a desire to return to the care of any of their parents. [REDACTED] appear to be happy and comfortable where they are.

Peter, Jr., at one year old, is obviously not capable of casting his vote for a caretaker of his own, but reports from Kona social worker, [REDACTED] indicate that he appears comfortable with the [REDACTED] family.

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

The harm to these children has been detailed previously in Petitions, and in Safe Home Guidelines submitted by the Department of Human Services (DHS), and will not be repeated here. However, the perpetrator of the harm continues to be unknown.

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>
5/08/91 - 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	Temp. 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	[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 [REDACTED]	Temporary Foster Custody	Physical Abuse
11/16/91 - present	[REDACTED]	Foster Custody (awarded 9/3/91)	Placed with relatives

Placement with [REDACTED] was made after licensing of the [REDACTED] as a DHS foster home (Memorandum dated November 15, 1991, previously submitted), and after assignment of a "courtesy supervision" social worker in West Hawaii. Placement with [REDACTED] was considered in the best interest of [REDACTED] despite the increased distance from the parents, based on the lack of parental contact with [REDACTED] during the prior 3 months of placement. Also the placement in this environment known to [REDACTED] would be the least traumatic for [REDACTED] and all contact with parents required supervision due to the unidentified perpetrator. The [REDACTED] had maintained frequent and regular contact with [REDACTED] despite their residence in Kona, and were available to provide support and care for [REDACTED] together.

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

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 of Mrs. Kema and of Mr. Kema were previously submitted.

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)

Mr. Kema was sentenced on February 24, 1992, for Theft 2 charges by Judge Ronald Ibarra (EXHIBIT A).

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

There is currently no known substance abuse. Mr. Kema has reported previous substance abuse, which he reports is resolved.

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

Mr. Kema and Mrs. Kema are both considered perpetrators of the harm previously reported. Neither parent has acknowledged or apologized. Neither Mr. nor Mrs. Kema have admitted their role in any incidents of harm to [REDACTED]. Therefore the perpetrator remains unidentified. However, by action or omission, both parents are responsible for the harm to [REDACTED].

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

As the perpetrator of the harm is assumed to be both parents, it was not appropriate to remove the perpetrator. Therefore, the [REDACTED] were removed from the home.

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

There are no nonperpetrators in the Kema household. Either both parents participated in the abuse, or one parent is withholding

information about the abuse, or the parent(s) do not recognize the harm as resulting from abuse. In any scenario without a known perpetrator involving two caretakers, neither one can be considered protective.

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

_____ have continued to provide care for _____ and have attempted to provide some emotional support for Mrs. Kema, at least. Their overtures to include the Kema's _____ again have generally been spurned by Mr. Kema, taking Mrs. Kema with him.

_____ transported _____ to a park in Kona for a visit with their parents. Mr. Kema was not going to visit with _____ present, so _____ supervised the visit from his car parked nearby.

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 current Service Plan and Agreement dated December 13, 1991, was entered by stipulation on February 13, 1992. This Service Plan was worked out at a case conference on December 11, 1991, with Mr. Kema, Mrs. Kema, Mr. William Smith, attorney for Mr. Kema, Ms. Edith Radl, Guardian ad Litem, Mr. Peter Kubota, _____ and social worker, _____

The Service Plan was intended to address the most basic, urgent needs first, and to be as simple as possible. It was intended to be updated at approximately three month intervals, and a second case conference was held on February 12, 1992.

Present at the second case conference were Mr. Smith, Ms. Radl, Mr. Kema, Mrs. Kema, social worker, Mr. Steven Strauss, and Dr. Christopher Barthel. The Service Plan of December 13, 1991, was retained without change.

Dr. Barthel's report dated March 10, 1992, indicates Mr. and Mrs. Kema have basically not overcome any obstacles to cooperate with his services. Please see EXHIBIT B.

Reports from Kona social worker, _____ indicate telephone contact initiated by the parents has continued to be problematic for _____. Mr. and Mrs. Kema report that _____ are the source

of this difficulty. On balance, it appears more of a competition than a cooperation.

Mrs. Kema has contacted both the social worker in Hilo, and the social worker in Kona periodically.

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)

Mr. and Mrs. Kema have been known to the DHS since May 08, 1991, a period of eleven months. Service Plans dated June 27, 1991, August 17, 1991, September 07, 1991, and December 13, 1991, have been offered, with all but the August 17, 1991, plan ordered by the Court. Each of the Service Plans has been tailored to this family's needs, and specifically arranged with Mr. and Mrs. Kema's input. The Service Plans have become incrementally less demanding as Mr. and Mrs. Kema have been unable, or unwilling, to participate in any of the services, and demonstrate positive changes as a result.

The current Service Plan, dated December 13, 1991, basically requires that Mr. and Mrs. Kema demonstrate they can maintain themselves as an independent couple, participate in therapy with Dr. Barthel, maintain regular telephone contact with [REDACTED], and visit with [REDACTED] if they are able.

The couple has maintained housing, a telephone, and transportation primarily by Mrs. Kema being determined temporarily disabled by Dr. Theresia Presbrey, Ph.D., in December 1991 due to depression, and therefore eligible for financial assistance from the DHS. Subsequently, Mrs. Kema's pregnancy continued and expanded the financial eligibility. As of February 12, 1992, Mr. Kema reported that he was working part time as a security guard, and "just can't find anything full time". Mrs. Kema's pregnancy terminated with a miscarriage on February 27, 1992.

To the knowledge of the DHS, neither parent has participated in any of the services recommended, or Court ordered, over the course of the past eleven months; eight of them with services court ordered.

Mrs. Kema has maintained telephone contact with [REDACTED] although as noted previously, this contact continues as the focus of contention between the Kemas and [REDACTED]. Mr. and Mrs. Kema did successfully complete three of four visits arranged in Kona, the one unsuccessful attempt apparently due to miscommunication.

Mr. and Mrs. Kema successfully participated in visits with Peter, Jr., during his recent stay in Hilo. Visits were made available to Mr. and Mrs. Kema from March 5 through March 13. Mr. and Mrs. Kema requested that DHS personnel transport and supervise visits, thereby restricting visits to weekdays, and staff availability. Visits were

confirmed, and kept, on the 9th, 10th, 11th, and 13th; they were not confirmed, and subsequently canceled, on the 5th and 6th; staff was not available on the 12th; and the 7th and 8th were a weekend.

The visits were supervised, and unremarkable for content and interaction. The parents arrived for visits within the 15 minute window, and terminated the visit as agreed.

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)

Mr. and Mrs. Kema's lack of participation in any services leaves the DHS with no independent information concerning their ability to understand and meet [REDACTED] needs. Their very limited contact with [REDACTED] provides very limited information concerning the appropriateness of the interaction.

The information available concerns Mr. and Mrs. Kema's overall "drive" to effect reunification with [REDACTED], and their efforts on behalf of [REDACTED] to maintain contact and "normalcy".

As the perpetrator is still unidentified, and no services have been successfully completed, no psychological treatment has been pursued, full time employment has not been secured, the primary source of contact for [REDACTED] is also the primary source of family contention, and the DHS has been involved for almost a year, the parents' have demonstrated they are not sufficiently "attached" to [REDACTED] to significantly alter their lifestyle in order to be reunited with [REDACTED]. This persistent pattern of behavior tends to indicate Mr. and Mrs. Kema are more focused on their own needs, rather than on the needs of [REDACTED].

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

Mr. and Mrs. Kema have been involved with Child Protective Services for eleven months. Services to prevent placement or effect reunification have been ordered for eight months, and offered for ten months.

Mr. and Mrs. Kema have demonstrated an ability to maintain housing for themselves and relative stability. They have not, since August at least, demonstrated any other ability to provide [REDACTED] with a safe home. So long as the perpetrator of harm to [REDACTED] to Peter, Jr., is unknown, and the parents have not clearly demonstrated their ability to provide a safe home, the home can not be considered safe for [REDACTED], or for any others in the foreseeable future.

Mr. and Mrs. Kema appear to have maintained a minimal living situation as a childless couple, but have not demonstrated any effort or ability to expand their world to safely include [REDACTED]

RECOMMENDATIONS

As neither Mr. Kema nor Mrs. Kema appear to be willing or able to provide [REDACTED] with a safe home, even with the assistance of a Service Plan, the Department of Human Services respectfully recommends:

- 1) That the service plan dated April 01, 1992 be ordered, and;
- 2) That a review hearing be set within 6 months of this date to address the Permanent Custody of [REDACTED] to DHS, unless the parents show cause why this should not be addressed at that time.
- 3) That as [REDACTED] biological father of [REDACTED] [REDACTED] has not stated his intentions with regards to [REDACTED], nor has he provided demonstration of his willingness or ability to provide [REDACTED] with a safe home, that Mr. Collier advise the Court of his intention and position concerning Permanent Custody [REDACTED]

DATED: Hilo, Hawaii April 01, 1992.

Respectfully submitted,

[REDACTED]
[REDACTED] Acting Supervisor

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Man sentenced for burglary

A 22-year-old Kona man has been sentenced to 21 days in jail and five years probation after pleading no contest to a second-degree burglary charge.

According to Third Circuit Court documents, Peter J. Kema broke into a building in the Kaloko subdivision in August 1990 with intent to commit theft.

The state dismissed a second-degree theft charge in exchange for Kema's no contest plea to burglary.

Kema was sentenced Feb. 24 by Judge Ronald Ibarra of Kona, who also ordered the defendant to pay about \$1,700 in restitution.

In another recent Third Circuit Court case, Dante Balsimo, 22, of Waimea, was sentenced Feb. 7 to five years probation for his role in a break-in at the Kamehameha Pharmacy in North Kohala.

Balsimo was also ordered to pay restitution, complete 100 hours of community service or pay a \$5,000 fine, submit to random drug and alcohol tests, and undergo substance abuse counseling. Balsimo had entered a no contest plea to a second-degree attempted burglary charge.

According to court documents, Balsimo and Scott C. Coll, 28, of Kapaau, used a glass cutter to break a window and enter the pharmacy on May 24, 1991. Coll received the same sentence from Ibarra on Jan. 6.

Dell

EXHIBIT A

CHRISTOPHER E. BARTHEL, III, Ph.D.

Psychologist, Hawaii Certified

P.O. Box 1811

Kamuela, Hawaii 96743

DEPT. OF HUMAN SERVICES
Family & Adult Services Division

MAR 11 1992

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

EH Social Services Section
Hilo, Hawaii

March 10, 1992

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

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

Dear [REDACTED]:

I understand that a hearing is soon to occur concerning the [REDACTED] Kema family. Last November I wrote to your agency concerning my contacts with Peter and Jaylin and emphasized my views about ways to deal with the young couple. Since the time of my last written documentation, Jaylin and Peter have continued to go through numerous crises and changes: Peter's dealings with the Judiciary, Jaylin's pregnancy and medical problems, continued friction with Jaylin's family, nonemployment and monetary problems, tenuous living conditions, etc.

Whereas in the past the young folks had maintained fairly regular contact with me, I have had minimal face-to-face contact with Jaylin and Peter since early November. I saw them on three occasions during November and early December. Then I was on the Mainland for three weeks. Following my return in early January, I have had no therapy contacts with either of them. We only saw each other at a joint meeting with attorneys and [REDACTED]. On a number of occasions, telephone contact was initiated by Jaylin with agreed upon appointments set, but those get-togethers never materialized. Jaylin and Peter were not at the appointed place at the appointed time, even on occasions when we had had telephone contact only a short time (i.e., hours) before.

I am not sure what the basis for their lack of follow through is. Perhaps it involves continued chaotic responses to chaotic stresses and demands; they perhaps respond to what is right in front of them and are unable to follow through on planned activities or commitments. Perhaps it involves ineffectual inexperience. Perhaps it involves passive resistance, based on a sense of victimization. No matter what its etiology, Jaylin's and Peter's lack of follow-through in

EXHIBIT B

[REDACTED]
re: [REDACTED] & Kema Children

Page 2

March 10, 1992

therapy and in other areas is definitiely self-defeating and forebodes little progress toward conructive personal growth or reunification.

At our last telephone contact a week ago, Jaylin informed me of her miscarriage and hospitalization. She noted that they had moved into a new apartment but had no phone. I stressed their need to exercise responsibility in getting in touch with me to set up a future appointment. But as of this date, I have not heard from either of the young people.

Despite the frustrating quality of working with Jaylin and Peter, I would like to remain available as a resource for them in the future. All of us need to continue to work together to find ways to help them deal with their depressive, chaotic lives and to find means of being more organized, planned, and purposeful.

Please contact me if questions arise or as new plans develop.

Sincerely



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

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

SERVICE PLAN AND AGREEMENT

Date: March 31, 1992

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

[REDACTED]
[REDACTED]
Kema, Jr., Peter 05/01/91 91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (aka Jaylin Acol), mother, Mr. Peter Kema, Sr., father of Peter Kema, Jr., and the Department of Human Services (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema, Jr., as the perpetrator of harm [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] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991.

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and [REDACTED] were taken into foster custody by the DHS. The explanations offered by Mr. and Mrs. Kema did not satisfactorily explain the injuries.

This Service Plan and Agreement is intended to reduce the family stress, the risk of harm to [REDACTED], and work toward reunification of [REDACTED] with the family. Justification for the services addressed in this plan are contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, August 17, 1991, and March 31, 1992.

II. GOAL:

The primary goal is to reunite [REDACTED] with their parents in a safe family home.

The secondary goal is to provide [REDACTED] with a safe, stable, nurturing, alternative, permanent family home.

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

TO DEMONSTRATE BUDGET, RESOURCE, AND TIME MANAGEMENT SKILLS SUFFICIENT TO MAINTAIN HOUSING, TRANSPORTATION, FOOD AND CONTACT WITH THE CHILDREN

TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS

TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT

TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT

TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS

TO MAINTAIN AN ENVIRONMENT FREE OF SUBSTANCE ABUSE

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

A. Mr. Peter Kema, father, and Mrs. Jaylin Kema, mother will:

1. Seek and maintain employment.

a. Make enough money together to pay rent, utilities and other essential bills sufficient to maintain housing adequate for yourselves.

b. If disabled, pursue treatment recommended to overcome or compensate for the identified disability.

2. Maintain contact with the [REDACTED] by:

a. Telephone calls to the [REDACTED] between 5:30 and 6:00 p.m., on Monday, Wednesday, and Friday. One call per day is acceptable. More calls than one per day is not acceptable, and calls to the work place [REDACTED] are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)

b. Each call should have an identified purpose i.e. [REDACTED] I'd like to talk with [REDACTED] [REDACTED] for 3 minutes each, then talk with

[REDACTED] about arranging a visit, if you have the time."

- c. Each call to [REDACTED] should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if [REDACTED] become upset).
 - d. Conversations between the parents and the [REDACTED] concerning visits or problems or disagreements, etc., should be separated from contact with [REDACTED]. [REDACTED] should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through the children.
 - e. Visiting the [REDACTED]:
 - 1. After at least 24 hours notice in order to arrange visiting, supervision, etc.
 - 2. With the supervision of a responsible adult at all times. [REDACTED] may supervise if in Hilo)
 - 3. If in Kona, time, length and location of visit must be arranged with [REDACTED]. As both foster parents work, their schedules must be considered.
 - 4. If the [REDACTED] are coming to Hilo, [REDACTED] will inform the parents as soon as possible, at least 24 hours in advance, to offer an opportunity for the parents to arrange a visit while [REDACTED] are in Hilo.
 - f. Visiting with [REDACTED] is for the purpose of reducing [REDACTED] anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between child(ren) and parent. Visits, and telephone contacts are at the discretion of the DHS, and may be increased, decreased, suspended, or otherwise changed by the DHS to meet the [REDACTED] or to protect them.
3. Participate in counselling with Dr. Kit Barthel, Ph.D., or other DHS referred therapist:

- 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. Anger management techniques (commonly provided through groups such as Alternatives to Violence);
 9. 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.
4. Attend and participate in the Parents Anonymous parenting program
- a. Contact program coordinator, Dr. Sandra Branyon at 933-3688 to arrange your participation in one of the 2 weekly groups available.

- b. Attend and participate in the parenting group until formally discharged by the parenting instructor, or by order of the court.
 - c. Provide the DHS with written verification of attendance at the parenting group, as requested by the DHS.
 - d. Demonstrate to the satisfaction of the DHS and the GAL, an adequate use of the skills and concepts developed in the parenting program.
5. **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 [REDACTED].
6. **Not use any physical discipline with the [REDACTED].**
7. **Maintain regular contact with the DHS to discuss problems and progress with this service plan.**
- a. Contact the assigned DHS social worker at least every other 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 their occurrence.
8. **Allow the DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.**

B. Mr. Peter Kema, father, will:

- 1. **Participate in substance abuse screening**
 - a. Contact Castle Medical Center office at: 305 Wailuku Street, Suite #4, Hilo, phone number: 935-3764.
 - b. Arrange an appointment at your convenience, but within 30 days of this order, for an assessment of substance abuse.

- c. Advise the counselor to contact DHS Social Worker [REDACTED] or your attorney in case of any problems or questions concerning the assessment, and provide DHS written verification of setting the appointment.
- d. Permit Castle Medical Center to communicate with the DHS concerning the results of said assessment, recommended treatment, and case planning, by signing necessary consents while at the assessment.
- e. Participate in, and successfully complete, treatment for substance abuse if recommended by the assessment, subject to review by the Court.

C. The DHS will:

1. Monitor problems and progress with this service plan by maintaining contact, verbal, written, or face to face, with the service providers.
2. Maintain regular contact with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the GAL.
4. Assess the effectiveness and utilization of services provided.
5. Maintain regular contact with the [REDACTED] and the foster parent to assure appropriate care for the children, and appropriate support for the foster parent.

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

- A. Maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.
- B. Continue to transport [REDACTED] and Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.
- C. Encourage [REDACTED] to communicate with Jaylin and Peter by visiting, writing, phone calls, pictures,

etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.

- D. Continue to establish clear rules for [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 [REDACTED] 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 [REDACTED] 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.
- I. Continue the visits between [REDACTED] father, [REDACTED]

VI. ANCILLARY RESOURCES:

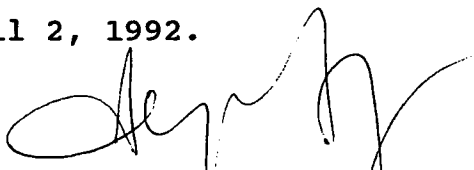
- A. Dr. Kit Barthel, Ph.D.
 - 1. Provide ongoing couples, individual, and/or family therapy as outlined above.
 - 2. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
- B. Parents Anonymous, parenting program:
 - a. Provide parenting education and group support as provided by DHS contract.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
- C. Castle Medical Center, Addictions Treatment Program:
 - a. Provide ongoing individual or group treatment for issues of substance abuse, if indicated by substance abuse assessment.
 - b. Provide reports, written and/or verbal, concerning the assessment, and if indicated, progress and participation of the parties in the rehabilitation program, as requested by the DHS.

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 1992 a copy of the Report-Safe Home Guidelines; Exhibits "A"- "B"; Service Plan and Agreement was duly served by the below methods on the following:

	<u>Court Jacket</u>	<u>U.S. Mail</u>
WILLIAM E. SMITH, ESQ. Attorney for Mother	X	
CELIA A. URION, ESQ. [REDACTED]		X
STEVEN D. STRAUSS, ESQ. Attorney for Peter Kema, Sr.	X	
PETER KUBOTA, ESQ. Case & Lynch [REDACTED]	X	
EDITH RADL, ESQ. Guardian Ad Litem		X

DATED: Hilo, Hawaii, April 2, 1992.



ALEY K. AUNA, JR.
Deputy Attorney General
Attorney for The Department of
Human Services

COPY

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

RECEIVED
JUL 11 1992
J. LEVALOHA
CLERK

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[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

) [X] EXHIBIT "A"

) HEARING: April 16, 1992

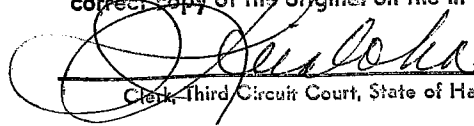
) HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

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


Clerk, Third Circuit Court, State of Hawaii

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 [REDACTED] family is willing and able to provide [REDACTED] 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 March 31, 1992 (~~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 [REDACTED] 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 Each term, condition, and consequence of the Service Plan and Agreement dated March 31, 1992 (~~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;

4 DHS and the GAL shall prepare their respective written reports and file them at least fifteen (15) days prior to the next hearing; pretrial conference;

5 All parties shall appear at a order to show cause ~~retired~~ hearing, which will be held on July 23, 1992 at 10:30 A.M., before the Honorable Ben H. Gaddis;

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

State's 1 DHS Report-Safe Home Guidelines with exhibits dated April 1, 1992, prepared by ~~_____~~ Social Worker;

State's 2 Report of the Guardian Ad Litem dated March 4, 1992;

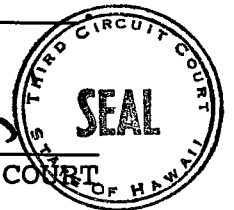
7 Pretrial Conference on July 9, 1992, 9:00 A.M., before Honorable Ben H. Gaddis.

_____.

APR 16 1992

DATED: Hilo, Hawaii, _____

Ben H. Gaddis
JUDGE OF THE ABOVE-ENTITLED COURT



APPROVED AS TO FORM:

Edith Kawai Roof

Calvin A. Brown
Paul K. Kubota

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

SERVICE PLAN AND AGREEMENT

Date: March 31, 1992

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

[REDACTED]
[REDACTED]
Kema, Jr., Peter 05/01/91 91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (aka Jaylin Acol), mother, Mr. Peter Kema, Sr., father of Peter Kema, Jr., and the Department of Human Services (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] and [REDACTED] was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to [REDACTED] and identified Ms. Acol's paramour and the father of Peter Kema, Jr., as the perpetrator of harm to [REDACTED]. 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] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991.

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and all [REDACTED] were taken into foster custody by the DHS. The explanations offered by Mr. and Mrs. Kema did not satisfactorily explain the injuries.

This Service Plan and Agreement is intended to reduce the family stress, the risk of harm to [REDACTED], and work toward reunification of [REDACTED] with the family. Justification for the services addressed in this plan are contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, August 17, 1991, and March 31, 1992.

II. GOAL:

The primary goal is to [REDACTED] with their parents in a safe family home.

The secondary goal is to provide [REDACTED] with a safe, stable, nurturing, alternative, permanent family home.

EXHIBIT "A"

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

TO DEMONSTRATE BUDGET, RESOURCE, AND TIME MANAGEMENT SKILLS SUFFICIENT TO MAINTAIN HOUSING, TRANSPORTATION, FOOD AND CONTACT WITH THE CHILDREN

TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS

TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT

TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT

TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS

TO MAINTAIN AN ENVIRONMENT FREE OF SUBSTANCE ABUSE

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

A. Mr. Peter Kema, father, and Mrs. Jaylin Kema, mother will:

1. Seek and maintain employment.
 - a. Make enough money together to pay rent, utilities and other essential bills sufficient to maintain housing adequate for yourselves.
 - b. If disabled, pursue treatment recommended to overcome or compensate for the identified disability.
2. Maintain contact with the [REDACTED] by:
 - a. Telephone calls to the [REDACTED] between 5:30 and 6:00 p.m., on Monday, Wednesday, and Friday. One call per day is acceptable. More calls than one per day is not acceptable, and calls to the work place of [REDACTED] are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)
 - b. Each call should have an identified purpose i.e. [REDACTED] I'd like to talk with [REDACTED] [REDACTED] for 3 minutes each, then talk with

[REDACTED] about arranging a visit, if you have the time."

- c. Each call to the [REDACTED] should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if the [REDACTED] become upset).
 - d. Conversations between the parents and the [REDACTED] concerning visits or problems or disagreements, etc., should be separated from contact with [REDACTED]. [REDACTED] should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through the children.
 - e. Visiting the [REDACTED]
 - 1. After at least 24 hours notice in order to arrange visiting, supervision, etc.
 - 2. With the supervision of a responsible adult at all times. [REDACTED]
[REDACTED]
 - 3. If in Kona, time, length and location of visit must be arranged with [REDACTED]. [REDACTED] As both foster parents work, their schedules must be considered.
 - 4. If the [REDACTED] are coming to Hilo, [REDACTED] will inform the parents as soon as possible, at least 24 hours in advance, to offer an opportunity for the parents to arrange a visit while the children are in Hilo.
 - f. Visiting with the [REDACTED] is for the purpose of reducing the children's anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between [REDACTED] and parent. Visits, and telephone contacts are at the discretion of the DHS, and may be increased, decreased, suspended, or otherwise changed by the DHS to meet the children's needs, or to protect them.
3. Participate in counselling with Dr. Kit Barthel, Ph.D., or other DHS referred therapist:

- 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. Anger management techniques (commonly provided through groups such as Alternatives to Violence);
 9. 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.
4. Attend and participate in the Parents Anonymous parenting program
- a. Contact program coordinator, Dr. Sandra Branyon at 933-3688 to arrange your participation in one of the 2 weekly groups available.

- b. Attend and participate in the parenting group until formally discharged by the parenting instructor, or by order of the court.
 - c. Provide the DHS with written verification of attendance at the parenting group, as requested by the DHS.
 - d. Demonstrate to the satisfaction of the DHS and the GAL, an adequate use of the skills and concepts developed in the parenting program.
5. **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 [REDACTED]
6. **Not use any physical discipline with the [REDACTED]**
7. **Maintain regular contact with the DHS to discuss problems and progress with this service plan.**
- a. Contact the assigned DHS social worker at least every other 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 their occurrence.
8. **Allow the DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.**

B. Mr. Peter Kema, father, will:

1. **Participate in substance abuse screening**
 - a. Contact Castle Medical Center office at: 305 Wailuku Street, Suite #4, Hilo, phone number: 935-3764.
 - b. Arrange an appointment at your convenience, but within 30 days of this order, for an assessment of substance abuse.

- c. Advise the counselor to contact DHS Social Worker [REDACTED] or your attorney in case of any problems or questions concerning the assessment, and provide DHS written verification of setting the appointment.
- d. Permit Castle Medical Center to communicate with the DHS concerning the results of said assessment, recommended treatment, and case planning, by signing necessary consents while at the assessment.
- e. Participate in, and successfully complete, treatment for substance abuse if recommended by the assessment, subject to review by the Court.

C. The DHS will:

1. Monitor problems and progress with this service plan by maintaining contact, verbal, written, or face to face, with the service providers.
2. Maintain regular contact with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the GAL.
4. Assess the effectiveness and utilization of services provided.
5. Maintain regular contact with the children and the foster parent to assure appropriate care for the children, and appropriate support for the foster parent.

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

- A. Maintain confidentiality with regards to the [REDACTED] family and the abuse they have suffered, as far as you are able.
- B. Continue to transport [REDACTED] Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.
- C. Encourage [REDACTED] to communicate with Jaylin and Peter by visiting, writing, phone calls, pictures,

etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.

- 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.
- I. Continue the visits [REDACTED] father, [REDACTED]

VI. ANCILLARY RESOURCES:

- A. Dr. Kit Barthel, Ph.D.
 - 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. Parents Anonymous, parenting program:
 - a. Provide parenting education and group support as provided by DHS contract.
 - b. Provide reports, written and/or verbal, concerning the progress and participation of the parties, as requested by the DHS.
- C. Castle Medical Center, Addictions Treatment Program:
 - a. Provide ongoing individual or group treatment for issues of substance abuse, if indicated by substance abuse assessment.
 - b. Provide reports, written and/or verbal, concerning the assessment, and if indicated, progress and participation of the parties in the rehabilitation program, as requested by the DHS.

the parties and the guardian ad litem attending a lengthy planning session for the purpose of negotiating a purposeful course through a service plan. A plan did result from that meeting and it appeared that parents could succeed at such a plan. However, there were many setbacks and the parents were able to make no progress.

First, the service plan was never completely executed --- signed by counsel. Thus, no one was bound to any real course of action. Services were then obtained on an "as needed" basis. In a situation such as this, where the financial and economical situation is so very precarious, many services were needed on an "as needed" basis.

Second, Jaylin Acol (Kema), who was pregnant, suffered health complications which prevented her from obtaining or maintaining employment --- even though it was very early in the pregnancy. Thus, the financial burden was even greater for Peter, who, at the time, was only able to obtain part-time work.

Third, there were still serious difficulties with bills and money management. This situation was of course inevitably tied to the employment picture.

Fourth, transportation difficulties also affected the situation as Peter was not always able to get to work. The unreliability of the family car also made trips to Kona very difficult.

Given the financial, economic, and health problems already existing for the couple, the case worker and GAL stressed that greater emphasis should be put upon these areas and that issues such a getting over to Kona for visits would not be emphasized

until the couple were more stable. In general, this was agreeable. However, longstanding anger, frustration and defensiveness seemed to raise tensions between the families to a fever pitch so that Jaylin and Peter seemed unable to concentrate on the urgent problems which faced them.

Thus, a second meeting was held in February with the couple and the various counsel. Counsel for Peter Kema had been appointed just prior to this time. While the same economic issues still exist, it was the petty personal situation which seemed to most concern the couple. Thus, it was decided that the GAL would arrange a meeting with [REDACTED] and other [REDACTED] as well as the courtesy worker, [REDACTED] in order to facilitate greater ease for the parents in their communications with [REDACTED]. Essentially, because the pressures upon the couple are so great, the telephone visits are really the only consistent visitation these parents can expect.

The visit with [REDACTED] did occur where the concerns of parents were communicated. Certain recommendations were made regarding telephone visits and times for visits were made.

It is very clear that difficulties do exist between the families. However, the parents' economic and day-to-day living are and have been the urgent concern from the very beginning. Without these basic building blocks, there will be no family for [REDACTED] to return to. I realize, because of the serious lacking in these basic needs, that the parents will be delayed in their ability to attend to such things as parenting classes,

anger management, and the like. However, I would caution that the best interests of [REDACTED] will not abide undue delay.

I would therefore recommend a third status meeting in May or June so that progress can be monitored. If little or no progress is made by early Fall, I would recommend that the Department and this Court consider permanency planning.

DATED: KAMUELA, HAWAII, 4 March 1992.


EDITH KAWAI RADL
GUARDIAN AD LITEM

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was duly served by placing the document in the court jackets of counsel.

ALEY AUNA, ESQ.
DEPUTY ATTORNEY GENERAL
101 Aupuni Street
1014D Hilo Lagoon Centre
Hilo, HI 96720

Attorney for DHS

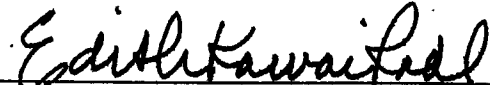
WILLIAM SMITH, ESQ.
Attorney for Mother

STEVEN STRAUSS, ESQ.
Attorney for Father of Peter Kema

CELIA URION, ESQ. (by hand delivery)
[REDACTED] (Father [REDACTED])

PETER KUBOTA, ESQ.
[REDACTED]

DATED: KAMUELA, HAWAII, 5 April 1992.


EDITH KAWAI RADL
GUARDIAN AD LITEM

COPY STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	SECOND ORDER SUBSTITUTING COUNSEL	CASE NUMBER FC- S NO. [REDACTED] 91-48
		-ORIGINAL COUNSEL PREVIOUS COUNSEL William Smith
In the Interest of [REDACTED] and [REDACTED]		COUNSEL FOR (NAME) Jaylin Acol nka Jaylin Kema
In the Interest of Peter Kema, Jr. Children under the age of eighteen years.		NEW COUNSEL (NAME & PHONE NO.) Calvin J. Fukuhara 961-2522

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: June 25, 1992

- 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 (C. Fukuhara)
 Discharged Counsel (W. Smith)
 GAL (E. Radl)
 DAG (A. Auna)
 DHS
 S. Strauss, Father/Kema
 C. Urion, Father/[REDACTED]
 P. Kubota, [REDACTED]
 Fiscal

J. LEALOHIA
 CLERK
 92 JUN 25 AM 10:46
 FAMILY COURT THIRD CIRCUIT
 STATE OF HAWAII
 HONOLULU

ASSIGNED

DATE	JUDGE
JUN 25 1992	ARNE T. HENRICKS (Seal)