

COPY

FAMILY COURT 3RD CIRCUIT
STATE OF HAWAII
H-10

WARREN PRICE, III 1212
Attorney General
State of Hawaii

92 JUL -9 AM 0:19

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

J. LEIALOHA
CLERK

Attorney for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S NOS. [REDACTED]
[REDACTED]	)	91-48
[REDACTED])	
[REDACTED]	)	NOTICE OF FILING; REPORT-
[REDACTED]	)	SAFE HOME GUIDELINES (HRS
[REDACTED]	)	587-40); EXHIBITS "A" AND
[REDACTED]	)	"B"; CERTIFICATE OF SERVICE
)	
PETER KEMA, JR.)	
Born on May 1, 1991)	
)	
A child under the age of	)	HEARING: July 23, 1992
eighteen years.	)	TIME: 10:30 A.M.
	)	HONORABLE BEN H. GADDIS

NOTICE OF FILING

Please take notice that the attached Report-Safe Home Guidelines dated July 8, 1992 and prepared by [REDACTED] social worker for The Department of Human Services, and Exhibits "A" and "B", are being submitted to the Court pursuant to §587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, July 9, 1992.



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

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); EXHIBITS A-B
[REDACTED])	
PETER KEMA, JR.)	
Born on May 1, 1991)	
Children under the age of	)	JUDGE: BEN H. GADDIS
eighteen years.	)	HEARING: JULY 23, 1992
	)	TIME: 10:30 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: July 8, 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 [REDACTED] 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)

The latest Report to the Court was submitted on April 1, 1992. There is no significant change in [REDACTED] conditions during the past three months.

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)

Please refer to prior reports.

3. DATE(S) AND REASON FOR [REDACTED] 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>
--------------------------	---------------------	--------------------------	-----------------------------

The latest report submitted to the Court on April 1, 1992 contained a complete history of placements for [REDACTED] and Peter Jr. There has been no change in their placement since that report.

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

Please refer to prior reports.

5. WHETHER THERE IS A HISTORY OF ABUSIVE OR ASSAULTIVE CONDUCT BY THE [REDACTED] FAMILY OR OTHERS WHO HAVE ACCESS TO THE [REDACTED] FAMILY HOME. (#8)

Please refer to prior reports.

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

Please refer to prior reports.

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

The perpetrator of the harm to Peter, Jr., resulting in his hospitalization and the separation of [REDACTED] from the family home, remains unknown. Mr. and Mrs. Kema, his only caretakers at the time, continue to deny any knowledge of the cause of the harm.

The perpetrator of the harm to [REDACTED] was identified by [REDACTED] as "Uncle Peter;" however there has been no acknowledgement by Mr. or Mrs. Kema concerning the cause of 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)

Please refer to prior reports.

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

Child Protective Services (CPS) considers each parent a perpetrator of harm at this time, whether by omission or commission. CPS can not consider either parent as being protective at this time.

10. SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE [REDACTED] FAMILY. (#26)

Reports indicate Mr. Kema's family is currently estranged from him. Mrs. Kema, according to Christopher Barthel, Ph.D., is attempting to recover her relationship with her parents.

[REDACTED] Mrs. Kema [REDACTED] report Mrs. Kema is welcome to visit and stay over in their home, etc., but they feel the relationship continues to be very strained.

11. THE WILLINGNESS AND ABILITY OF THE [REDACTED] 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)

Please refer to prior reports.

The latest Court ordered Service Plan is dated March 31, 1992. It requires, essentially, that Mr. and Mrs. Kema demonstrate their ability to maintain themselves as an independent couple; that they participate in therapy with the therapist of their choice; that Mr. Kema participate in a substance abuse screening; and that Mrs. Kema participate in a parenting education program. This Service Plan was developed by the parties after the recommendations of Dr. Barthel indicated a very basic, concrete plan was the only one with a chance

for compliance, considering Mr. and Mrs. Kema's sense of being overwhelmed, as perceived by Dr. Barthel.

The couple has apparently maintained a residence for the past 3 months.

Mrs. Kema, and Family Support Services (FSS) personnel report that Mrs. Kema has attended some parenting education classes with them. The requested report from FSS has not yet been received.

Mrs. Kema reports she has attended women's support groups at the Alternatives to Violence (ATV) program for several months. The DHS has no confirmation from the ATV program.

Mrs. Kema has not maintained consistent, predictable contact with [REDACTED] either by phone or in person. A log of contacts maintained by [REDACTED] is submitted as Exhibit A.

Mr. Kema has not maintained any contact with the [REDACTED] to the knowledge of the DHS.

Mr. Kema has not participated in a substance abuse screening, to the knowledge of the DHS.

The DHS has no knowledge of Mr. Kema's employment status.

Dr. Christopher Barthel's report, dated July 2, 1992, is submitted as Exhibit B. Dr. Barthel reports Mrs. Kema has participated in treatment six times since April 14, 1992 and Mr. Kema one time on June 16, 1992.

Child Protective Services can not characterize this level of non participation, after 14 months of CPS and Family Court involvement, as a positive demonstration of the parents' willingness or ability "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."

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

Given the level of non-participation in services, in particular therapy for both parents, and any services at all for Mr. Kema, CPS has not witnessed a demonstration of positive environmental or personal changes within a reasonable period of time.

Neither parent has yet acknowledged his or her role in causing or allowing injuries to [REDACTED] and to Peter, Jr. Without some level of acknowledgement, the distortions allowing such physical mistreatment of [REDACTED] can not be resolved. The extent of Peter, Jr.'s injuries, and the varying ages of them, indicates to CPS that there was some level of cognition on the part of the perpetrator(s), perhaps reaching premeditation. This element of cognition separates the treatment required in order to "make the home safe", from typical instances of physical abuse. It more closely resembles the intervention required for instances of sexual abuse, and other intentional abuses.

That there has been no acknowledgement of their roles in the harm to [REDACTED] child, indicates to CPS that there has been no positive resolution of the safety issues in the home during the prior 14 months.

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

The log of contacts submitted as Exhibit A displays sporadic, unpredictable contact with [REDACTED] by Mrs. Kema. The Service Plan did not require physical visits, but it did require consistent, frequent, short, telephone contact specifically designed to meet the [REDACTED] needs. Mr. Kema demonstrated no ability at all. Mrs. Kema's contact appears to be in response to her own needs, rather than to the [REDACTED] needs for consistency and constancy.

14. ASSESSMENT (TO INCLUDE [REDACTED] FAMILY DEMONSTRATED ABILITY TO PROVIDE A SAFE HOME FOR THE [REDACTED] AND RECOMMENDATION.

For approximately 10 to 12 weeks, out of the past 62 weeks, Mrs. Kema has partially complied with services to either keep her [REDACTED] in her home, or to keep her [REDACTED] near her home, and now to avert termination of her parental rights. Mr. Kema has not participated in any services of any significance during the entire period, including visits.

Had Mr. and Mrs. Kema admitted the Family Support Services, Mother Infant Support Team (MIST) personnel to their home, perhaps the [REDACTED] would not have had to be separated from them.

Had Mr. and Mrs. Kema demonstrated any consistent effort to use the open visiting arrangements available to them while the [REDACTED] were placed in Hilo, the [REDACTED] would have remained in Hilo.

Had Mr. and Mrs. Kema taken advantage of the opportunity to be a couple, with minimal child caring responsibilities, and participated in the court-ordered rehabilitative services, the [REDACTED] could

have waited a little longer with some realistic hope of reunification.

However, Mr. Kema has demonstrated no positive change whatsoever. Mrs. Kema may be attempting to demonstrate some positive change, or she may be making a typical "flight into health" response when termination of parental rights looms.

Regardless, the underlying cause of the harm to [REDACTED] has not been addressed; can not be addressed without acknowledgement of responsibility by the perpetrator(s).

Child Protective Services can not even authorize, or agree, to unsupervised visits with [REDACTED] and either parent. This, and the length of involvement to date, puts the hope of eventual reunification beyond the reasonably foreseeable future, and out of any reasonable period of time [REDACTED] can be expected to wait for the hope of reunification.

RECOMMENDATION

As neither Mr. Kema nor Mrs. Kema appear to be willing or able to provide [REDACTED] and [REDACTED] and Peter Kema, Jr. with a safe family home, now or in the reasonably foreseeable future, the DHS respectfully recommends:

- 1) That Permanent Custody of [REDACTED], [REDACTED], and Peter, Jr. be awarded to the DHS.

DATED: Hilo, Hawaii July 8, 1992.

Respectfully submitted,

[REDACTED]
[REDACTED], Social Worker

INTERNAL

Suspense

JUN 19 1992

COMMUNICATION FORM OF HUMAN SERVICES
Family & Adult Services Division
DEPARTMENT OF HUMAN SERVICES

JUN 23 1992

Subject: [redacted] / Kema Children
EH Social Services Section
Hilo, Hawaii

Originator: [redacted]

To: EHSSSA
CWS II (70)

From: WHFASSA
CWS CMU 24

Date: 06/10/92

Memo No. 1

Attached, please find a copy of [redacted] notebook listing contacts between Jaylin Kema and [redacted]

[redacted] has terminated her full-time employment and will be providing day care for the [redacted] at least throughout the summer. Please terminate day care payments to the previous provider effective June 1, 1992.

[redacted]
Supervisor
WH - Child Welfare Services CMU-24

Approved by:

[redacted], West Hawaii
Family and Adult Services Section Administrator

Attachment

EXHIBIT

A

71344
344
681
632
439
188
251
669
11
421
367
336
4
522

^{Friday}
11/15/91 } Picked up [redacted] at Bus stop
12:45 } after school
4:15 } Went to Bowling in Hills picked up [redacted]
5:30 } Jaylin came to visit
6:40 } " went to work, told the [redacted] she was going to see the [redacted] on Sat.

^{Sat} 11/16/91 } Jaylin never called or came to visit.
^{Sun} 11/18/91 } " Called at to ask what time we got left to
12:00 (at work) Kona said she had to work told her to call at 6:00 at home. Never called back

^{Tues} 11/19/91 } Jaylin called to ask if we are coming to Hills, and if we are spending Thanksgiving with [redacted], again told her to call at 6:00. Never called back
1:30 (at work)

^{Wed} 11/20/91 } Called Doctor for appt. for Peter. appt. 11:40
9:30 " [redacted] to let her know about Peter
9:40 " [redacted] - Not available
9:45 " Edith Kahl - Not available
9:10 - Edith returns call - Ask about keeping record of what Jaysa conversations
3:30 - Jay called back to [redacted]
4:30 " " " "

3:30 :- brought Peter to Doctor Location - give pres. for congested chest and cold for Peter

11/22 Chest and cold for Peter
[redacted] informed [redacted] has a social worker
[redacted] Capt Cook.

10:05 - [redacted] - introduced my self.
10:15 [redacted] - payment for children
11:45 } [redacted] } Foster parent associated Nov 30 party for kids

11/22/91 - [redacted] talked to her about baby sitting
1:30 Nov - 256.00 Dec 700.00

11/20/91 - [redacted] came to see [redacted] bowling alley

11/21/91 - [redacted] " " " " Home played w/ them

11/25/91 - Jay asked to bring [redacted] called at work 11:30

11/26/91 - " " " " " " " " 1:00 pm

11/27/91 [redacted] went to court for [redacted]

11/26/91 - brought [redacted] to doctor 11:45 a.m. - Jonathan
got card for [redacted] medical

11/26/91 - [redacted] called for [redacted] to go school
Monday Dec 2, 1:30

11/27/91 - Court hearing, asking for bond hearing, also asking need
1:00 Dec 11 DHS [redacted]

Wednesday -

11/27/91 - asked Jay if Peter wanted to see [redacted], he refused
also he brought Jay to Aunt's home where [redacted] where
and said he had to return to work, not seeing
his son.

12/2/91 - Jay called, talked to [redacted] at 6:30 talked for
20 min

12/3/91 - went to Wic program for Peter and [redacted] / Jay came
w/ Peter to Kona

12/8/91 - Jay called to talk to [redacted] found out
Peter boy was in Hilo - asked to bring [redacted] at
County Bell's

12/6/91 - Peter boy went to Hilo till Monday w/ [redacted]
for weekend. Called [redacted] to ask for approval.

12/11/91 hearing for visitation w/ [redacted] for Jaylin

12/10/91 called [redacted] to ask what time next meeting
was for visitation also Peter Kabota.

12/14/91 - David Garcia came to our home to talk to us about services for children on Queen Elizabeth program.

12/17/ - went to this meeting w/ [redacted]

12/19/ - got letter about visitation w/ [redacted] and Jay

12/16/ - 5:45 called talked to [redacted]

17 - 7:15 75 min " "

18 - 7:30 20 "

19 - 6:15 10 min

20 - 5:45 25 min

21 - 6:00 30 min

22 - 9:00 am 15 min - asked if she could stay w/ [redacted] ^(Nicki Come)

23 - 8:00 - [redacted] sleeping

24 - 12:00 15 min

25 - 5:00 [redacted] went out

26 - 4:30 talked to [redacted] about presents and said ^{the stay} cancel.

27 - 12:30 - tried to [redacted] and tried making plans to ^{visit} [redacted]

28 - 3:00 called the worker and made plans for visitation aft at 10 - Jay was there 9:30 - 10:30 [redacted] where there Tim 10:30 but both didn't see each other called [redacted] and told her what happened.

Tue 31 - 4:30 wanted to talk to [redacted] and [redacted] and explain about visitation.

W 1/1/92 Jay call but [redacted] was at hospital w/ papa

Thu 1/2/92 Jay call talked [redacted] 15 min (1st check for fee)

Fri 1/3/92 [redacted] talked to her

\$1578.00

Sat 1/4 - Papa passed away [redacted] went to sisters Jay call didn't talk to [redacted] told her about papa told her make plans on what she wants to do.

9th 1/5 - 9:30 - called Jay. Told her [redacted] will be taking Peter boy to his till Monday after noon. I had to take husband to emergency for throat meeting for [redacted] father. Got [redacted] ready for school. Lucky [redacted] was here and told her to take baby to his for emergency [redacted]

m 1/6 - Called [redacted] explaining situation [redacted] died. The emergency call I made.

Took [redacted] to school, picked up prescription for [redacted] and cleaned home. Peter comes home today.

T 1/7 - Jay called talk to [redacted] told her no later than 7:30 and 3-5 min

w 1/8 - Uncle Damien passed away. Called [redacted] to pick up Peter boy. (took him to his).

F 1/8 - Jay called said she couldn't make it, asked if she could see baby. I checked for her to visit. Papa visiting 4 - 9th morning.

Sat 1/11 - Jim buried and 11 - service. Prayer at 7:30. 10th.

Sun 1/12 - Jay called 7:00 told me she got married on Sat and pregnant 3 months.

Mon - 1/13 - Uncle Damien buried 11:00 Jay said she coming no show - complained she wanted to see [redacted] at her home. Also called [redacted] told her [redacted] got check for Dec babysitting

~~March~~ March
⑤ phone calls

- 2 3/1 12:30 A.M. - Jay called to tell us she lost baby. Said it was a girl. Asked me to go over. I told her to adjust.
- 1 3/3 Jay called to talk and said she couldn't go home yet and Peter was making arrangements.
- 1 3/6 - Jay came to pick up [redacted] at the Alley w/ [redacted] and asked if she could have some money. I told her to wait and when she brings the [redacted] back she can ask her [redacted]: took the [redacted] at 6:45 brought [redacted] back at 9:15. Took the [redacted] to [redacted] instead of Mc Donald. Then bought the [redacted] food then to the boarding Alley. Asked me she needed \$150.00 to bury baby. Also asked if we could go to the burial. She had a ? mark. Asked her to call if we could go. ~~My No call~~
- 5 3/7 - Jay didn't call. couldn't go to the service. Left to Las Vegas 7:15. [redacted] got chicken job
- 5 3/14 - [redacted] got chicken job, [redacted] got chicken job.
- W 4/1 - Jay called to talk about [redacted] Birthday. Said she was coming New case.
- 5 4/4 - took [redacted] to Mac Donald - bought Mermaid things. Dill came and spent time w/ her.
- 5 4/5 - Jay called to ask about [redacted] Birthday.
- Sat 4/11 - took pic of [redacted] and Jimmy Jones.
- Thurs 4/16 - Jay saw the [redacted] when we went to Hills for court.
- o 4/24 - Joked up the picture.
- Thurs 4/24 - Jay picked up cake from my sister to come to party for picture recovery party. They went to Home
- Sat 4/25 - Called to see if she could see [redacted] and I brought the [redacted] to Maternity at 10:00 - 10:45.

April - Home calls

all on last minute call - Peter wasn't there.

sun 4/26 - Asked her if she was coming for baby P. Bertie and said she was.

Tu 4/28 - She called said she wasn't coming cause she was sick.

Wed 4/30 - She called my sister to ask for money also called niece Judy and grandpa for money.

F 5/1 - Peter's Boys Birthday

Sat 5/2 - " " Birthday party. All went well.

Sun 5/2 - Went to norman tournament in town. Jay called and started w/ what time I come home from Hilo. Told her we didn't go to Hilo, and she kept on insisting we were in Hilo. She also called my sister to ask her. Apparently my sister's friend has some car as I do.

Mon 5/4 - Told Jay she had Monday, Wed, Friday - 5:30 - 6:00 to call here. Also told her [redacted] will be going to Aohu and will be back Tues 19th.

Wed 5/14 - 5/8 Jay called - 5/4 said she was coming home, but she didn't.

Thu 5-11 No call - Peter went to Hilo. I slept

Fri 5-13 Jay called and asked if she can call on 5/14.

Sat 5-14 Jay called and talked to [redacted] Told her [redacted] coming from Texas

Sun 5-19 - Jay called 6:45 asked where the [redacted] and I told her they would be back 7:05 - 7:30. Heard Peter in back saying - what the hell they doing over here. What the hell going on. Ask how they coming home so I told them w/ Doug [redacted] Jay said I didn't mention, and I did mention cause I told her since she would call. Jay also told Peter that I told [redacted] Also my sister called said Jay was trying to borrow money again.

Handwritten notes in the left margin, including "4/26", "4/28", "4/30", "5/1", "5/2", "5/4", "5/11", "5/13", "5/14", "5/19".

May (10) calls

Tues 5/19 - Also I told her that we may not come to Hilda on 23 she said shit why. So I told her that [redacted] hurt his back. She is trying to pull her teeth again. And trying to confuse me.

S/20 - Called 5:45

F 5/22 - No call

Th 5/23 - called in morning - went to Hilda - 2:30 spent time w Hilda till 4:30 - asked if could bring Peter boy to see dad. I told her he has to come to the parking lot to see Peter boy. Just drove off not seeing [redacted] Went to see [redacted]

[redacted] left Peter in Hilda for them to see him. No response. Borrowed money 10⁰⁰ [redacted]

M 5/25 - No call

W 5/27 - Called 6:15 asked her why to late. Talked to [redacted] for 15 min.

F 5/28 - No phone call

M / June 1 - 5:30 Jay called / ask when [redacted] last day / said she ^{coming}

W / 6/3 - No phone call / went to Mt. View to fix car

T / 6/4 - called in morning at 11:00 to ask about [redacted] last day school - said she'd come.

F 6/5 - called [redacted] and talked to her about going over to visit w/ mom. Copy of daily reports to [redacted] Jay called at 10-6:00 talked for 10 min. Called me at 9:15 asked to see [redacted] on sat.

S - 6/6 - called to ask to see [redacted] if I could bring them. I had alot to do that day so I asked her to come to our home. I got back from delivering doc. Sat at 11:00 AM and she stayed till 12:00 to pick Peter at the [redacted].

beach (Woodman's Harbor). Said she saw us going
up the Hill at 10:00

m. 6/8 - Jay called in morning - Ash if get by was in His
Told her No - She was wondering cause she saw the
[REDACTED]. She called at 5:30 to talk to the [REDACTED]
[REDACTED] had his fun bag at school. Started at 9:30
Till 2:00. Made salad and hamburger patties for the
class. Stayed ^{til} everything was done. [REDACTED] was
there too. Brought dental cards for [REDACTED]

CHRISTOPHER E. BARTHEL, III, Ph.D.

DEPT. OF HUMAN SERVICES
Family & Adult Services Division

Psychologist, Hawaii Certified

P.O. Box 1811
Kamuela, Hawaii 96743

JUL 7 1992 (808) 775-9147 • Hilo Telephone (808) 961-2525

EH Social Services Section
Hilo, Hawaii

July 2, 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

[REDACTED]
In speaking with Mrs. Kema and hearing from [REDACTED], I understand that a hearing is soon to occur concerning the [REDACTED]/Kema family. As you know, I have been involved with the young parents since last summer, when I was contacted by Peter to help him and his wife in view of CPS intervention. Since that time, I have remained involved, although at times my contacts have been sporadic. In addition to difficulties that they have encountered in their roles as parents, both Peter and Jaylin have had to deal with tidal waves of crises and problems, some of them of their own making, some of them out of their control. Thus the last six months have continued to be filled with many obstacles for the young couple.

As things seemed to deteriorate more and more, linked, it seems, with the movement of [REDACTED] from East Hawaii to Kona, Jaylin and Peter failed to maintain regular contacts with me. Although I heard from Jaylin periodically by phone, keeping me apprised of what was going on in their lives, I did not see either of the Kemas for four months. In April, Jaylin rallied and began seeing me on a regular basis; we have had 6 visits since April 14th. Peter has been more sluggish, seeing me only once, on June 16th, although subsequent visits had to be cancelled due to his work schedule.

Peter's reaction to the negative chaos in his life is characteristic of his past patterns: he becomes depressed, angry, egocentered, and passively resistant. His sense of self-worth is, and has been, quite vulnerable. As he says it, "I have a hole in my life" reflecting the problems that he has experienced with his family of origin and with his own, immediate family. Faced with this emotional void, Peter's hurt is tremendous, he becomes morose and quick to feel hurt or angered, and he becomes bogged down in ineffectiveness. Of

EXHIBIT

B

[REDACTED] Hawaii Branch Administrator

Re: [REDACTED] and Kema Children

Page 2

July 2, 1992

course, all of the crises that have hit him and Jaylin (financial problems, Court cases and impending incarceration, problems finding work, the loss of an unborn child by miscarriage, continued conflicts with his family of origin, etc., etc., etc.) have not lessened his load; most of us would buckle under such bombardment. In any case, Peter wants very much to do the right thing and wishes that his family was reunited. He is aware and concerned about his ineffective lack of progress, but feels emotionally laden to the point of self-defeat. He still denies any known inappropriate physical maltreatment of Peter Jr. or of Jaylin's [REDACTED]. His response to current CPS intervention is to want to leave the family, to let Jaylin provide for the kids, and for himself to be absent. Part of his response stems from his sense of hurt and depression, sort of a "hurt puppy" attitude; part is perhaps to induce guilt in Jaylin; and part is based on sound, logical reasoning.

One promising development with Peter is his probationary status under John Sanchez at Adult Probation. Mr. Sanchez is a tough-minded but concerned probation officer who very much would like to see Peter progress towards his goals and is eager to participate in a network of monitored services. Perhaps, Mr. Sanchez's involvement with Peter will be able to provide some spark, some mandate to Peter's rather lethargic pattern.

In contrast with Peter's difficulties with follow-through, Jaylin has been striving valiantly and admirably to follow the service plan offered by CPS, to attend parenting classes, to take part in counseling, and to spontaneously attend ATV. She is currently going through the application process with State Employment for training, because she is tired of inactivity and wants to be involved and working. She is able to articulate her dilemma regarding her desire to maintain her relationship with Peter, countered by his inactivity regarding the service plan. Despite the strong discomfort that it puts her through, Jaylin states that she would put [REDACTED] first, in view of Peter's lack of involvement in gaining services. Of course, she would prefer to not have to chose between her husband and [REDACTED], feeling that with work they can all be together.

Jaylin's earlier responses to the negative happenings in her life was to be befuddled, hurt, angry, and rather highly

[REDACTED] Hawaii Branch Administrator

Re: [REDACTED] and Kema Children

Page 3

July 2, 1992

depressed. Now, she appears to be really moving out of that mode of coping and is assertively and actively progressing in a positive direction. She is going to Kona to see [REDACTED] she is attempting to create better communication with her family of origin, she is actively seeking help, she looks forward to further parenting classes; in other words, Jaylin seems to be doing well. She consistently has denied any direct knowledge of harmful physical behavior towards [REDACTED] by either herself or Peter. She acknowledges that Peter Jr. was hurt, but has no real understanding of the how's or the why's. I'm inclined to believe her. All she wants is to be able to be a mother again, ideally with Peter, but without him, if necessary.

Via the grapevine, I have heard that CPS may be recommending permanent placement for [REDACTED] with [REDACTED] in Kona. Whereas I can understand the need for young children to have a sense of stability and permanency in their lives, I do believe that Jaylin is showing very good faith in the work that she is now doing to abide by the service plan in order to become reunited with [REDACTED]. Thus, unless her involvement in the service plan actually does not show the progress that she describes in counseling, I do not believe that removing her ability to be a mother to [REDACTED] will be in her best interests and probably not in the best interests of [REDACTED] either, in view of the increased estrangement that would very probably be created between Jaylin (and Peter) and [REDACTED]. In one respect, everyone would lose if Jaylin loses her ability to parent [REDACTED].

Of course, the real bug-a-boo is Peter and his angry, depressed lethargy. I would recommend that CPS and the Court look closely at returning [REDACTED] to Jaylin at some time in the near future, without Peter's presence, and with a clear-cut, monitored plan of services for him to follow before he could re-enter the family unit. Perhaps, Peter's connection with Adult Probation could intensify the plan of services and the monitoring thereof.

I realize that this case has been, and continues to be, a sticky one. Thank you for hanging in there; I guess we all have been, including Jaylin and even Peter, in his own way. Please contact me if questions arise or if you require further opinion.

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 1992, a copy of the foregoing was duly served by hand-delivering the same to the following:

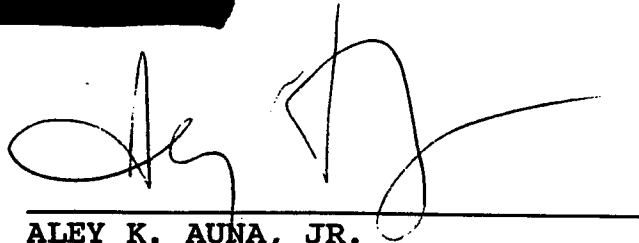
CALVIN FUKUHARA, ESQ.
Attorney for Mother

STEVEN STRAUS, ESQ.
Attorney for Mr. Kema

CELIA URION, ESQ.
[REDACTED]

EDITH RADL, ESQ.
Guardian Ad Litem

PETER KUBOTA, ESQ.
[REDACTED]



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

COPY

ROBERT A. MARKS 2163
Attorney General of Hawaii

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

Attorneys for the Department
of Human Services

RECEIVED
92 NOV -9 PM 2:40

J. LEALOHA
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

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

PETER KEMA, JR.
Born on May 1, 1991

Children under the age of
eighteen years.

) HEARING: July 23, 1992

) HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

J. Lealoha
Clerk, Third Circuit Court, State of Hawaii

The following parties were not present at the hearing:

X JAYLIN KEMA, PETER KEMA, SR., [REDACTED]
who were excused and are represented by counsel;

Based upon the records and evidence presented, 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, and pursuant to §587-71(e), H.R.S., as amended, the Court finds that:

- A Reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;
- B [REDACTED] family is not presently willing and able to provide [REDACTED] with a safe family home, even with the assistance of a service plan;

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

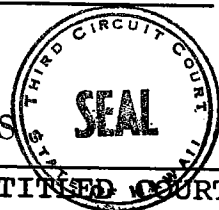
- 1 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at a review/pretrial hearing, which will be held on April 22, 1993, at 10:00 a.m., before the Honorable Ben H. Gaddis;
- 4 DHS and the GAL shall file their respective reports on or before October 12, 1992;
- 5 The contested permanent plan hearing set for November 12, 1992 is taken off the calender.

DATED: Hilo, Hawaii,

NOV - 9 1992

BEN H. GADDIS

JUDGE OF THE ABOVE-ENTITLED COURT



COPI

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

92 AUG 17 AM 11:23

J. LEIALOHA
CLERK

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

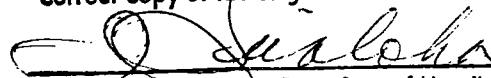
In the Interest of	)	FC-S NOS. [REDACTED]
[REDACTED]	)	91-48
[REDACTED])	
[REDACTED]	)	ORDER RE: CHAPTER 587, H.R.S.,
[REDACTED]	)	AS AMENDED
[REDACTED])	
PETER KEMA, JR.)	
Born on May 1, 1991)	
Children under the age of	)	HEARING: July 23, 1992
eighteen years.)	
_____	)	HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

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

The following parties were not present at the hearing:

- X PETER KEMA, SR. and [REDACTED] who were excused, but are represented by counsel;

Based upon the records and evidence presented, 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, and pursuant to §587-71(e), H.R.S., as amended, the Court finds that:

- A [REDACTED] parents have not met their burden of proof as to why this matter should not be set for a permanent plan hearing;

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

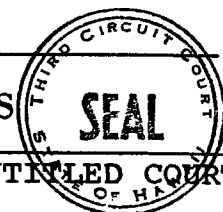
- 1 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at a contested permanent plan hearing, which will be held on October 16, 1992, at 8:30 a.m., before the Honorable Ben H. Gaddis;
- 4 A pretrial conference shall be held on October 19, 1992, at 8:30 a.m., before the Honorable Ben H. Gaddis, and further witness and exhibit lists shall be filed on or before October 14, 1992;
- 5 DHS and the GAL shall file their respective reports on or before October 12, 1992;
- 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 July 8, 1992, prepared by [REDACTED] Social Worker;

Mother's 1 Mother's letter with attachments dated June 17, 1992;

DATED: Hilo, Hawaii, AUG 17 1992

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

COPY

FAMILY COURT 3RD CIRCUIT
STATE OF HAWAII
FILED

WARREN PRICE III 1212
Attorney General
State of Hawaii

92 AUG 17 AM 11:20

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

J. LEIALOHA
CLERK

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

) FC-S NOS. [REDACTED]

) 91-48

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

PETER KEMA, JR.
Born on May 1, 1991

Children under the age of
eighteen years.

) HEARING: July 23, 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] CALVIN FUKUHARA, Counsel for Mother;
- [] PETER KEMA, SR., Father of Kema Child;
- [X] STEVEN STRAUS, Counsel for Mr. Kema;
- [X] [REDACTED], Father of [REDACTED] Children;
- [X] CELIA URION, [REDACTED];
- [X] EDITH RADL, Guardian Ad Litem;
- [X] [REDACTED], DHS Social Worker;
- [X] ALEY K. AUNA, JR., Deputy Attorney General;
- [] [REDACTED], [REDACTED];
- [X] [REDACTED], [REDACTED];
- [X] PETER KUBOTA, [REDACTED];
- [X] [REDACTED], DHS Social Worker;

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

J. Leialoha
Clerk, Third Circuit Court, State of Hawaii

The following parties were not present at the hearing:

X PETER KEMA, SR. and [REDACTED] who were excused, but are represented by counsel;

Based upon the records and evidence presented, 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, and pursuant to §587-71(e), H.R.S., as amended, the Court finds that:

A [REDACTED] parents have not met their burden of proof as to why this matter should not be set for a permanent plan hearing;

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

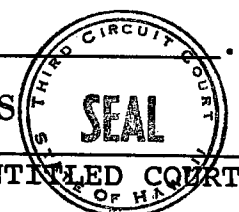
- 1 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at a contested permanent plan hearing, which will be held on October 16, 1992, at 8:30 a.m., before the Honorable Ben H. Gaddis;
- 4 A pretrial conference shall be held on October 19, 1992, at 8:30 a.m., before the Honorable Ben H. Gaddis, and further witness and exhibit lists shall be filed on or before October 14, 1992;
- 5 DHS and the GAL shall file their respective reports on or before October 12, 1992;
- 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 July 8, 1992, prepared by [REDACTED] Social Worker;

Mother's 1 Mother's letter with attachments dated June 17, 1992;

DATED: Hilo, Hawaii, AUG 17 1992

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

COPY

FAMILY COURT, 3 CIRCUIT
STATE OF HAWAII

WARREN PRICE III 1212
Attorney General
State of Hawaii

SEP 23 AM 8:52

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

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	)	FC-S NOS. [REDACTED]
[REDACTED]	)	91-48
[REDACTED])	
[REDACTED]	)	AMENDED ORDER RE: CHAPTER
[REDACTED]	)	587, H.R.S., AS AMENDED
[REDACTED])	
PETER KEMA, JR.)	
Born on May 1, 1991)	
Children under the age of	)	HEARING: July 23, 1992
eighteen years.)	
_____	)	HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

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

The following parties were not present at the hearing:

X PETER KEMA, SR. and [REDACTED] who were excused, but are represented by counsel;

Based upon the records and evidence presented, 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, and pursuant to §587-71(e), H.R.S., as amended, the Court finds that:

A [REDACTED] parents have not met their burden of proof as to why this matter should not be set for a permanent plan hearing;

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

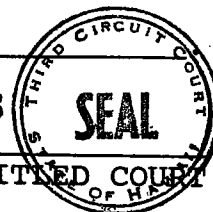
- 1 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at a contested permanent plan hearing, which will be held on October 26, 1992, at 8:30 a.m., before the Honorable George S. Yuda;
- 4 A pretrial conference shall be held on October 19, 1992, at 8:30 a.m., before the Honorable Ben H. Gaddis, and further witness and exhibit lists shall be filed on or before October 14, 1992;
- 5 DHS and the GAL shall file their respective reports on or before October 12, 1992;
- 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 July 8, 1992, prepared by [REDACTED] Social Worker;

Mother's 1 Mother's letter with attachments dated June 17, 1992;

DATED: Hilo, Hawaii, AUG 28 1992

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

CALVIN J. FUKUHARA #2006
Attorney at Law
Waiakea Villas
400 Hualani Street, Suite 16D
Hilo, Hawaii 96720
Telephone: (808)961-2522

Attorney for JAYLIN KEMA, Mother

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S NOS.: [REDACTED]
[REDACTED]	)	91-48
[REDACTED])	
[REDACTED]	)	EX PARTE MOTION FOR
[REDACTED]	)	APPROVAL OF WITHDRAWAL
[REDACTED]	)	AND SUBSTITUTION OF
[REDACTED]	)	COUNSEL; AFFIDAVIT OF
PETER KEMA, JR.	)	CALVIN J. FUKUHARA;
Born on May, 1, 1991	)	ORDER; CERTIFICATE
	)	OF SERVICE
Children under the age of)	
eighteen years.)	

EX PARTE MOTION FOR APPROVAL OF
WITHDRAWAL AND SUBSTITUTION OF COUNSEL

CALVIN J. FUKUHARA Esq., hereby moves this Honorable Court, ex parte, for approval of his withdrawal as counsel for JAYLIN ACOL nka JAYLIN KEMA, mother of the children herein, and the substitution of KRIS A. LAGUIRE, Esq. as successor counsel for Jaylin Kema.

This motion is made pursuant to Rule 87 of the Hawaii Family Court Rules, and is based upon the attached affidavit and the records and files in this case.

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of)

_____9

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

Children under the age of
eighteen years.

STATE OF HAWAII)
COUNTY OF HAWAII)

FC-S NOS.: _____
91-48

AFFIDAVIT OF CALVIN
J. FUKUHARA

SS:

AFFIDAVIT OF CALVIN J. FUKUHARA

CALVIN J. FUKUHARA, being first duly sworn on oath,
deposes and says:

1. By order entered herein on June 25, 1992, I was
appointed to serve as counsel for JAYLIN KEMA formerly known as
Jaylin Acol, the mother of _____ herein.

2. I appeared on behalf of Ms. Kema at a July 23,
1992, order to show cause hearing in which a permanent plan
hearing was scheduled for October 26, 1992.

3. On September 1, 1992, I met with Ms. Kema, Peter
Kema, Sr., and Steven Strauss, Esq., at the office of Mr. Strauss
to discuss this case and the upcoming hearing.

4. On September 2, 1992, I received a telephone call
from Ms. Kema in which she expressed strong objections to certain

statements that I had made the day before, which she described as "disgusting."

5. Ms. Kema also expressed a lack of confidence in my representation of her and requested that another attorney be appointed for her who would work more zealously in securing the return of her children.

6. Based on the increasing problems that Ms. Kema and I have in communicating and relating with each other, I believe that I can no longer represent her effectively.

7. I have contacted Aley Auna, Esq., Edith Radl, Esq., Peter Kubota, Esq., Steven Strauss, Esq., and Celia Urion, Esq., and all of them have waived objections to the withdrawal and substitution of counsel being requested hereby.

8. Kris A. LaGuire, Esq., a Hilo attorney duly licensed to practice law in the State of Hawaii, has agreed to serve as substitute counsel for Jaylin Kema.

9. Based on the foregoing, I am requesting that this Court approve my withdrawal as Jaylin Kema's attorney and the appearance of Kris A. LaGuire as her successor attorney in this case.

FURTHER AFFIANT SAYETH NAUGHT.

Calvin J. Fukuhara
CALVIN J. FUKUHARA

Subscribed and sworn to before me
this 9th day of September, 1992.

Jerry F. Franco
NOTARY PUBLIC, STATE OF HAWAII
My commission expires: 6-9-93

IN THE INTEREST OF: [REDACTED], PETER KEMA, JR.
EX PARTE MOTION FOR APPROVAL OF WITHDRAWAL AND SUBSTITUTION OF
COUNSEL

FCS NOS. [REDACTED] 91-48

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

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

Children under the age of
eighteen years.

) FC-S NOS.: _____
) 91-48

)
) ORDER

ORDER GRANTING EX PARTE MOTION FOR APPROVAL OF
WITHDRAWAL AND SUBSTITUTION OF COUNSEL

The Ex Parte Motion for Approval of Withdrawal and Substitution of Counsel filed by Calvin J. Fukuhara, former counsel for Jaylin Acol nka Jaylin Kema, having been considered by this Court, and good cause appearing:

IT IS HEREBY ORDERED that said motion is granted, that Calvin J. Fukuhara is discharged as counsel for Jaylin Kema, and that Kris A. LaGuire is hereby appointed as substitute counsel for Jaylin Kema.

DATED: Hilo, Hawaii, _____.


JUDGE OF THE ABOVE ENTITLED COURT

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the Ex Parte Motion For Approval Of Withdrawal And Substitution Of Counsel, Affidavit Of Calvin J. Fukuhara; Order, upon the persons named below, by hand-delivery and/or placing said report in their respective court jackets and/or U.S. Mail postage pre-paid on September 10, 1992:

ALEY AUNA, ESQ.
Deputy Attorney General
Ste PH-1014-D, Hilo Lagoon Centre
101 Aupuni Street
Hilo, Hawaii 96720

Attorney for the Department
of Human Services


Dept. of Human Services
75 Aupuni Street
Hilo, Hawaii 96720

SOCIAL WORKER


EDITH RADL, ESQ.
Attorney at Law
P.O. Box 111333
Kamuela, HI 96743


Guardian Ad Litem

MS. JAYLIN KEMA
120 Puueo Street
Hilo, Hawaii 96720

Mother

CELIA URION, ESQ.
Attorney at Law
P.O. Box 838
Kamuela, HI 96743

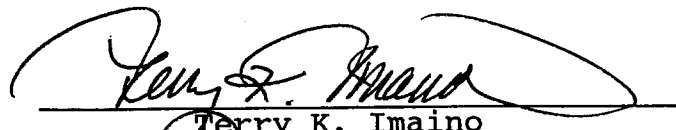

PETER KUBOTA, ESQ.
CASE & LYNCH
460 Kilauea Ave.
Hilo, HI 96720


STEVEN D. STRAUSS
190 Keawe St. Ste. 31
Hilo, HI 96720

Attorney for Peter Kema

KRIS A. LAGUIRE, ESQ.
Attorney at Law
22 Lei Street
Hilo, Hawaii 96720

Attorney for Mother


Terry K. Imano
Secretary to CALVIN J. FUKUHARA

DEPT. OF HUMAN SERVICES
Family & Adult Services Division

EDITH KAWAI RADL
ATTORNEY AT LAW

OCT 22 1992

Suite 260, Box 111333
Kamuela, Hawaii 96743
Telephone: (808) 885-0788

EH Social Services Section
Hilo, Hawaii

TRANSMITTAL MEMORANDUM

TO: Aley Auna, Esq. Chris Laguire, Esq. Steven Strauss, Esq.
Celia Urion, Esq. Peter Kubota, Esq. [REDACTED] SW

FR: EDITH KAWAI RADL

DATE: 20 October 1992

RE: In the Interest of [REDACTED] and KEMA Children, FC-S No. [REDACTED]
91-48

We are sending you:

ORIG.	COPIES	DATED	DESCRIPTION
	1	10/18/92	Witness and Exhibit Lists of the Guardian Ad Litem

COURTESY COPY

- | | |
|------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> For Judge's signature | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> For filing | <input type="checkbox"/> For signature, forwarding |
| <input type="checkbox"/> For your files | <input type="checkbox"/> as noted below & return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> For review & comment |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> For distribution |

REMARKS:

EDITH KAWAI RADL 4631-0
ATTORNEY AT LAW
Suite 250, Box 111333
Kamuela, HI 96743
Tel: (808) 885-0788

Guardian Ad Litem

IN THE FAMILY COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

IN THE INTEREST OF

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

WITNESS AND EXHIBITS
LISTS OF THE GUARDIAN;
CERTIFICATE OF SERVICE

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

Children under the age of
eighteen years.

WITNESS AND EXHIBIT LISTS OF THE GUARDIAN AD LITEM

COMES NOW EDITH KAWAI RADL, your guardian ad litem herein,
and hereby submits the following as her witness and exhibit list
for the permanent plan hearing set for November 12, 1992.

EXPERT WITNESSES

1. Dr. Christopher Barthel
P O Box 1811
Kamuela, HI 96743

Dr. Barthel will testify regarding the status of
counselling and participation of both parents
with counselling.

2. [REDACTED] SW
Dept. of Human Services

[REDACTED] is the worker who has taken the place
of [REDACTED]. She will testify to the overall
compliance of [REDACTED] with respect to
the requirements under the Service plan. She will

further testify as to whether there has been an acknowledgement of the injury by either party.

3. Agent, Castle Medical Center

This witness will testify as to Peter Kema's participation in substance abuse screening.

4. Agent, Alternatives to Violence

This witness will testify as to Peter Kema's participation and progress in services.

LAY WITNESSES

1. Peter Kema
2. Jaylin Kema

EXHIBITS

1. Those exhibits already submitted into evidence under the various service plans and safe home guidelines.

The Guardian Ad Litem reserves the right to supplement the above list of witnesses and exhibits prior to trial now set for November 12, 1992 at 10:30 a.m.

DATED: KAMUELA, HAWAII, October 18, 1992.


EDITH KAWAI RADL
GUARDIAN AD LITEM

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing document was duly served by placing the same in the United States mails, postage prepaid, on this date as follows:

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

Attorney for DHS

CHRIS LAGUIRE, ESQ.
Attorney at Law
22 Lei Street
Hilo, HI 96720

Attorney for Mother

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

Attorney for Father

CELIA A. URION, ESQ.
Attorney At Law
Suite 226, Box 111333
Kamuela, HI 96743

[REDACTED]

PETER KUBOTA, ESQ.
Attorney At Law
Case and Lynch
460 Kilauea Avenue
Hilo, HI 96720

[REDACTED]

DATED: KAMUELA, HAWAII, 18 October 1992.

Edith Kawai Radl

EDITH KAWAI RADL
GUARDIAN AD LITEM

COPY

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

WWW.COURTSDIRECTORY.COM

92 007-5 4110:02

GUARDIAN AD LITEM

J. LEALOHA
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PETER KEMA, JR.
Born on May 1, 1991

Children under the age of
eighteen years.

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

AMENDED NOTICE OF HEARING
& CERTIFICATE OF SERVICE

AMENDED NOTICE OF HEARING

TO: ALEY AUNA, ESQ.
Deputy Attorney Gen'l
Ste PH1014-D, Hilo Lagoon
101 Aupuni Street
Hilo, HI 96720

CELIA A. URION, ESQ.
Attorney at Law
Suite 226, Box 111333
Kamuela, HI 96743

Attorney for DHS

[REDACTED]

PETER KUBOTA, ESQ.
Attorney at Law
Case & Lynch
460 Kilauea Ave.
Hilo, HI 96720

STEVEN D. STRAUSS, ESQ.
Attorney at Law
190 Keawe St., Ste. 31
Hilo, HI 96720

[REDACTED]

Attorney for Peter Kema

KRIS A. LAQUIRE, ESQ.
Attorney at Law
22 Lei Street
Hilo, HI 96720

Attorney for Mother

PLEASE TAKE NOTICE that the Permanent Plan hearing set

for the above-entitled matter has been rescheduled for November 12, 1992 before the Hon. Ben Gaddis in his courtroom at the Family Court of the Third Circuit, 345 Kekuanaoa Street, Hilo, Hawaii 96720 commencing at 10:30 a.m., or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that the relevant dates for Witness and Exhibit Lists and the Pre-hearing conference in this matter have been rescheduled as follows:

- a. October 21, 1992: Witness and exhibit list due.
- b. October 26, 1992 at 9:00 a.m.: Pre-hearing conference.

DATED: KAMUELA, HAWAII, 30 September 1992.



EDITH KAWAI RADL
GUARDIAN AD LITEM

In The Interest of [REDACTED], [REDACTED], and Peter Kema, Jr.; FC-S. Nos. [REDACTED] and 91-048; Amended Notice of Hearing.

CERTIFICATE OF SERVICE


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

ALEY AUNA, ESQ.

Deputy Attorney Gen'l
Ste PH1014-D, Hilo Lagoon
101 Aupuni Street
Hilo, HI 96720


Attorney for DHS

CELIA A. URION, ESQ.
Attorney at Law
Suite 226, Box 111333
Kamuela, HI 96743


STEVEN D. STRAUSS, ESQ.
Attorney at Law
190 Keawe St., Ste. 31
Hilo, HI 96720

Attorney for Peter Kema

PETER KUBOTA, ESQ.
Attorney at Law
Case & Lynch
460 Kilauea Ave.
Hilo, HI 96720


KRIS A. LAQUIRE, ESQ.
Attorney at Law
22 Lei Street
Hilo, HI 96720

Attorney for Mother


EDITH KAWAI RADL
GAURDIAN AD LITEM

EDITH KAWAI RADL 4631-0
ATTORNEY AT LAW
Suite 250, Box 111333
Kamuela, HI 96743
Tel: (808) 885-0788

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED

OCT 20 11 13 AM '92
OLGA I. HAYASHI

Guardian Ad Litem

CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

IN THE INTEREST OF

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PETER KEMA, JR.
Born on May 1, 1991

Children under the age of
eighteen years.

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

)
)
) WITNESS AND EXHIBITS
) LISTS OF THE GUARDIAN;
) CERTIFICATE OF SERVICE

WITNESS AND EXHIBIT LISTS OF THE GUARDIAN AD LITEM

COMES NOW EDITH KAWAI RADL, your guardian ad litem herein,
and hereby submits the following as her witness and exhibit list
for the permanent plan hearing set for November 12, 1992.

EXPERT WITNESSES

1. Dr. Christopher Barthel
P O Box 1811
Kamuela, HI 96743

Dr. Barthel will testify regarding the status of
counselling and participation of both parents
with counselling.

2. [REDACTED]
Dept. of Human Services

[REDACTED] is the worker who has taken the place
of [REDACTED]. She will testify to the overall
compliance of [REDACTED] with respect to
the requirements under the Service plan. She will

further testify as to whether there has been an acknowledgement of the injury by either party.

3. Agent, Castle Medical Center

This witness will testify as to Peter Kema's participation in substance abuse screening.

4. Agent, Alternatives to Violence

This witness will testify as to Peter Kema's participation and progress in services.

LAY WITNESSES

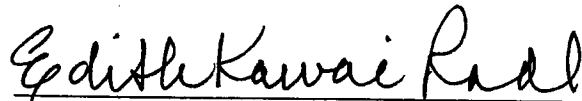
1. Peter Kema
2. Jaylin Kema

EXHIBITS

1. Those exhibits already submitted into evidence under the various service plans and safe home guidelines.

The Guardian Ad Litem reserves the right to supplement the above list of witnesses and exhibits prior to trial now set for November 12, 1992 at 10:30 a.m.

DATED: KAMUELA, HAWAII, October 18, 1992.


EDITH KAWAI RADL
GUARDIAN AD LITEM

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing document was duly served by placing the same in the United States mails, postage prepaid, on this date as follows:

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

Attorney for DHS

CHRIS LAGUIRE, ESQ.
Attorney at Law
22 Lei Street
Hilo, HI 96720

Attorney for Mother

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

Attorney for Father

CELIA A. URION, ESQ.
Attorney At Law
Suite 226, Box 111333
Kamuela, HI 96743

[REDACTED]

PETER KUBOTA, ESQ.
Attorney At Law
Case and Lynch
460 Kilauea Avenue
Hilo, HI 96720

[REDACTED]

DATED: KAMUELA, HAWAII, 18 October 1992.

Edith Kawai Radl

EDITH KAWAI RADL
GUARDIAN AD LITEM

EDITH KAWAI RADL
ATTORNEY AT LAW
Suite 260, Box 111333
Kamuela, Hawaii 96743
Telephone: (808) 885-0788

TRANSMITTAL MEMORANDUM

TO: Aley Auna, Esq. Chris Laguire, Esq. Steven Strauss, Esq.
Celia Urion, Esq. Peter Kubota, Esq.
[REDACTED]

FR: EDITH KAWAI RADL

DATE: 29 October 1992

RE: In the Interest of [REDACTED] KEMA Children

We are sending you:

ORIG.	COPIES	DATED	DESCRIPTION
	1	10/20/92	File Stamped Witness and Exhibit Lists of the Guardian; Certificate of Service

-
- | | |
|----------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> For Judge's signature | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> For filing | <input type="checkbox"/> For signature, forwarding as noted below & return |
| <input checked="" type="checkbox"/> For your files | <input type="checkbox"/> For review & comment |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> For necessary action | |

REMARKS:

DEFENDANT'S COPY

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	BENCH WARRANT AFTER INDICTMENT	CASE NUMBER No. 92-498
STATE OF HAWAII VS (DEFENDANT) JAYLIN M. ACOL		POLICE REPORT NUMBER D-71229/HL

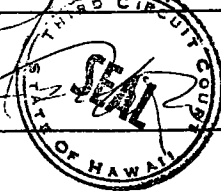
STATE OF HAWAII TO: ANY LAW ENFORCEMENT OFFICER AUTHORIZED BY
LAW TO EXECUTE WARRANTS OF ARREST IN THE STATE OF HAWAII

The Grand Jury of this court has duly PRESENTED AND FILED AN INDICTMENT against the above named defendant charging said defendant with committing the offense indicated.

YOU ARE COMMANDED to arrest and bring the defendant before this court as soon as possible.

NOTE: This warrant shall not be executed between the hours of 10:00 p.m. and 7:00 a.m. on premises not open to the public, unless authorized in writing by a Judge of this court.

CHARGE IN INDICTMENT FORGERY IN THE SECOND DEGREE	SPECIAL INSTRUCTIONS <input type="checkbox"/> BAIL SET AT \$ _____ <input checked="" type="checkbox"/> DEFENDANT MAY BE RELEASED ON OWN RECOGNIZANCE AFTER ARREST. <input type="checkbox"/> POLICE DEPARTMENT:
DEFENDANT TO APPEAR BEFORE: <u>January 5, 1993</u> at <u>8:00 a.m.</u>	<p>I hereby certify that this is a full, true and correct copy of the original on file in this office.</p> <p><i>M. Tsuji</i> Clerk, Third Circuit Court, State of Hawaii</p>
JUDGE <u>ERNEST KUBOTA</u> COURTROOM <u>NO. 2</u>	
LOCATION <u>75 AUPUNI STREET HILO, HI 96720</u>	

DATE ISSUED 12/18/92	JUDGE <i>[Signature]</i>		92 DEC 18 AM 9:25 ISSUED THIRD CIRCUIT COURT STATE OF HAWAII MITSUJI CLERM
OFFICER'S RETURN			
DEFENDANT WAS ARRESTED AS INDICATED			
DATE OF ARREST	TIME	PLACE	
DATE	ARRESTING OFFICER		

Distribution: ORIG. FILE (AFTER SERVICE), DEF., PROS., DIVISION, COURT HOLD COPY

JON R. ONO 1101
Prosecuting Attorney
County of Hawaii
34 Rainbow Drive
Hilo, Hawaii 96720
Tel. No. 961-0466

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED

92 DEC 17 PM 4: 15

M. TSUJI
CLERK

Attorney for State of Hawaii

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

92 498

STATE OF HAWAII

vs.

JAYLIN M. ACOL,

Defendant.

) CR. NO. _____
)
) INDICTMENT
)
) (Hilo)
)
)
)
)

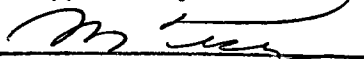
INDICTMENT (D-71229/HL)

The Grand Jury charges:

On or about the 5th day of November, 1991, in South Hilo, County and State of Hawaii, JAYLIN M. ACOL did, with intent to defraud, falsely make, complete, endorse, and alter a written instrument and did utter a forged instrument, check number 4023 of CBN OPERATION BLESSING, dated November 4, 1991, FIRST FEDERAL SAVINGS AND LOAN, HILO BRANCH, in the amount of \$88.00, which is or purports to be, or which is calculated to become or to represent if completed a commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest,

KES 172.13


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

obligation or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852, Hawaii Revised Statutes, as amended.

Dated: Hilo, Hawaii, December 17, 1992.

A TRUE BILL



Deputy Prosecuting Attorney
County of Hawaii

JASON MEYERS

Foreperson

COPY

FAMILY COURT 3RD CIRCUIT
STATE OF HAWAII
710

WARREN PRICE, III 1212
Attorney General
State of Hawaii

52 AUG -7 PM 4:13

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

J. LEALOHA
CLERK

Attorney for the Department
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of)

FC-S NOS. [REDACTED]
91-48

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

PETER KEMA, JR.
Born on May 1, 1991


DATE: October 26, 1992
TIME: 8:30 a.m.
JUDGE: The Honorable
Ben H. Gaddis

Children under the age of
eighteen years.

NOTICE OF FILING

Please take notice that the attached Notice of Filing; Supplemental Report-Safe Home Guidelines and Exhibit "A" dated August 4, 1992 and prepared by [REDACTED] social worker for The Department of Human Services, is being submitted to the Court pursuant to §587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, August 6, 1992.

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

A CONFIDENTIAL REPORT OF
THE DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of)

FC-S No. [REDACTED]
91-48

[REDACTED])
[REDACTED])

SUPPLEMENTAL REPORT-SAFE HOME
GUIDELINES (HRS 587-40);
EXHIBIT A

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

JUDGE: BEN H. GADDIS

Children under the age of)
eighteen years.)

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

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

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

Date: August 4, 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.

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

Enclosed as Exhibit A is a copy of the letter dated September 13, 1991, from Robert M. Di Mauro, M.D., Radiologist at the Kapiolani Medical Center for Women and Children of his findings upon review of the radiographs and CT examination. Both the radiographs and the CT scan was taken at the Hilo Hospital on August 11, 1991 when

Peter Kema, Jr., was brought in to the Emergency Room by Ms. Acol and Mr. Kema "because his legs were swollen." Also being submitted with the letter are copies of the billing and purchase order issued for the review by Dr. Di Mauro.

DATED: Hilo, Hawaii August 4, 1992.

Respectfully submitted,



Social Worker



SEP 19 1991



Celebrating
100
Years of Service

EH Social Services Section
Hilo, Hawaii

Kapiolani Medical Center For Women and Children

Richard Davi
President

Walter L. Behn
Executive Vice President / CEO

September 13, 1991

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

RE: PETER KEMA, JR.

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

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

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

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

EXHIBIT A

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

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



Robert M. Di Mauro, M.D.
Radiologist

RDM:ja

cc: Dr. Brian Wilson - Hilo Hospital

NOTE: Per ASO-BP's request, this bill is being resubmitted. Original payment (with P.O. #21218487) which was made to Kapiolani Medical Center was cancelled because Dr. DiMauro is to be paid through "The Radiology Group, Inc." (see note below)

THE RADIOLOGY GROUP, INC.

98-1238 KAAHUMANU STREET, SUITE 404
PEARL CITY, HAWAII 96782
(808) 486-4199

12/18/91

Please send payment to the address above as Dr. DiMauro is with The Radiology Group, Inc.

DEPT. OF HUMAN SERVICES
Family & Adult Services Division

The Radiology Group, Inc.

DEC 20 1991

EH Social Services Section
Hilo, Hawaii

**Kapiolani Medical Center
For Women and Children**

Richard Davi
President

Walter L. Behn
Executive Vice President / CEO

September 13, 1991

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

RE: CONSULTATION FEE FOR PETER KEMA, JR.

[REDACTED]
My fee for reviewing the radiographs, CT examination of the brain and consultation in the case of PETER KEMA, Jr., is \$100.00.

Thank you,

Robert M. Di Mauro
Robert M. Di Mauro, M.D.
Radiologist

RDM:ja

Family & Adult Svs. Div. - Hawaii Branch	
P.O. No.	<u>21219681</u>
Date Goods Rec'd	<u>9/91</u>
Date Inv. Rec'd	<u>12/20/91</u>
Date Inv. Sent to PIS	<u>12/30/91</u>
P.O. Compl.	<input checked="" type="checkbox"/> Incompl. <input type="checkbox"/>
I certify the satisfactory receipt of goods and services.	
[REDACTED] Signature	

This is to certify that this is an original claim.

[Signature]

1319 PUNAHOU STREET

HONOLULU, HAWAII 96826

PHONE: (808) 973-8544

CENTENNIAL ADVISORY COMMITTEE: Reverend Abraham Akaka, Eve Anderson, James Bartels, Gladys Brandt, Linda Cable, Donald Duchworth, Joyce Fasi, Alice Guila, Al Hoffman, Clement Judd, Calo-a Kai, Danny Kai'aki, Pooma, Kawananakoa, Linda Kelly, Elio Long, Tom Moffat, Miriam Rogers, Andrea Simpson, Jane Tallbough, John Kaha, Topolinski, Betty Vitousek, Lyne Wa'hee, John Walker, Jr., Mary Warrall, Matt, Yordley

STATE OF HAWAII
REQUISITION & PURCHASE ORDER

DEPARTMENT OF HUMAN SERVICES

21218487

Date: **10/02/91**

FAMILY & ADULT SERVICES - HAWAII BRANCH

Social Services

ORGANIZATION

FUNCTION AND ACTIVITY

NOTICE TO VENDORS

Conditions of purchase are listed on the back side of this purchase order. Please read carefully. Payments may be delayed if all steps are not followed.

DELIVERY ADDRESS

BILLING ADDRESS

**STATE OF HAWAII
 DEPARTMENT OF HUMAN SERVICES
 1115 Punchbowl Street
 Honolulu, HI 96813**

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1		Examination/Consultation for the Elderly Center, Javite Hall/1115 PUNCHBOWL ST		

REQUISITIONER: [Redacted]

VOUCHER NUMBER: [Redacted]

AUTHENTICATED BY: [Redacted]

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY: [Redacted] DATE: [Redacted]

FOR DEPARTMENT USE ONLY

ACCOUNT	AMOUNT	DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT

SEP 19 1991



Celebrating
100
Years of Service

EH Social Services Section
Hilo, Hawaii

Kapiolani Medical Center For Women and Children

Richard Davi
President

Walter L. Behn
Executive Vice President / CEO

September 13, 1991

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

RE: CONSULTATION FEE FOR PETER KEMA, JR.

[REDACTED]
My fee for reviewing the radiographs, CT examination of the brain and consultation in the case of PETER KEMA, Jr., is \$100.00.

Thank you,

Robert M. Di Mauro, M.D.
Radiologist

RDM:ja


Family & Adult Svs. Div. - Hawaii Branch	
P.O. No.	21218487
Date Goods Rec'd	9/91
Date Inv. Issued	9/19/91
Date Inv. Sent to C/S	9/20/91
P.O. Compl.	<input checked="" type="checkbox"/> Incompl. <input type="checkbox"/>
I certify the satisfactory receipt of goods and services	
[REDACTED]	
Signature	

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 1992 a copy of the Notice of Filing; Supplemental Report-Safe Home Guidelines and Exhibit "A" were duly served by the below methods to the following individuals:

	<u>Court Jacket</u>	<u>U.S. Mail</u>
CALVIN J. FUKUHARA, ESQ. Attorney for Mother	X	
STEVEN STRAUSS, ESQ. Attorney for Father Mr. Kema	X	
CELIA URION, ESQ. [REDACTED]		X
EDITH K. RADL, ESQ. Guardian Ad Litem		X
PETER KUBOTA, ESQ. Attorney for [REDACTED]	X	

DATED: Hilo, Hawaii, August 6, 1992.

for 

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

COPY

ROBERT A. MARKS 2163
Attorney General of Hawaii

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

Attorneys for the Department
of Human Services

RECORDED
SERIALIZED
FEB 17 1992

J. LEALOHA
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S NOS. [REDACTED]
[REDACTED]	)	91-48
[REDACTED])	
[REDACTED]	)	AMENDED ORDER RE: CHAPTER
[REDACTED]	)	587, H.R.S., AS AMENDED
PETER KEMA, JR.)	
Born on May 1, 1991)	
Children under the age of	)	HEARING: October 26, 1992
eighteen years.)	
_____	)	HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

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

J. Lealoha
Clerk, Third Circuit Court, State of Hawaii

The following parties were not present at the hearing:

- X JAYLIN KEMA, PETER KEMA, SR., [REDACTED]
who were excused and are represented by counsel;

Based upon the records and evidence presented, 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, and pursuant to §587-71(e), H.R.S., as amended, the Court finds that:

- A Reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;
- B [REDACTED] family is not presently willing and able to provide [REDACTED] with a safe family home, even with the assistance of a service plan;

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

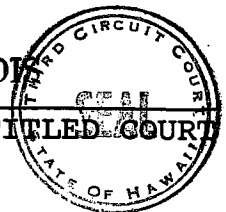
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 The prior award of foster custody is continued;
- 2 All currently existent orders consistent herewith shall continue in full force and effect until further order of the Court;
- 3 All parties shall appear at a review/pretrial hearing, which will be held on April 22, 1993, at 10:00 a.m., before the Honorable Ben H. Gaddis;
- 4 DHS and the GAL shall file their respective reports at least fifteen (15) days prior to the next hearing;
- 5 The contested permanent plan hearing set for November 12, 1992 is taken off the calendar.

NOV 17 1992

DATED: Hilo, Hawaii, _____.

BEN H. GADDIS
JUDGE OF THE ABOVE-ENTITLED COURT



Kris A. LaGuire (5399)
Attorney at Law
101 Aupuni Street, Suite #124
Hilo, Hawaii 96720
Telephone: (808) 969-1441

Attorney for Mother Jaylin Kema

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

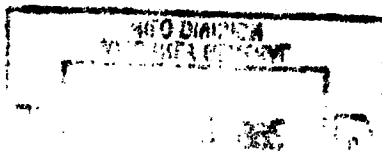
IN THE INTEREST OF	)	FC-S Nos. [REDACTED], 91-48
[REDACTED])	
[REDACTED]	)	MOTHER JAYLIN KEMA'S
[REDACTED]	)	STATEMENT REGARDING REVIEW
[REDACTED]	)	HEARING SCHEDULED FOR
[REDACTED]	)	DECEMBER 10, 1992
)	
PETER KEMA, JR.	)	REVIEW HEARING
Born on May 1, 1991	)	December 10, 1992
	)	9:30 a.m.
Children under the age of	)	Judge Ben Gaddis
eighteen years)	

MOTHER JAYLIN KEMA'S STATEMENT REGARDING
REVIEW HEARING SCHEDULED FOR DECEMBER 10, 1992

Comes now JAYLIN KEMA, mother of the subject minor [REDACTED] in the above-captioned cases, by and through her counsel, KRIS A. LAGUIRE, and makes the following statement regarding the review hearing scheduled for 9:30 a.m. on Thursday, December 10, 1992:

1. Mother has scheduled the December 10, 1992 review hearing for the purposes of addressing issues regarding ongoing services to the family and issues relating to visitation with the [REDACTED]

2. Mother is interested in establishing a more concrete interim service plan prior to the review/pretrial hearing set for April 22, 1993.



3. Mother desires to establish an appropriate visitation schedule with [REDACTED] in conjunction with the foster parents in this cause, including but not limited to establishing an appropriate visitation schedule for the up-coming holiday season.

4. Mother continues to seek appropriate services that are available to her and which she is able to participate in given her current pregnant status with attendant medical concerns of which the parties are fully aware.

5. Mother respectfully requests that the Court enter an appropriate order to address the above-stated concerns.

DATED: Hilo, Hawaii

December 2, 1992

Kris A. LaGuire

KRIS A. LAGUIRE
Attorney for Jaylin Kema

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF

FC-S Nos. [redacted] 91-48

[redacted]

NOTICE OF HEARING

[redacted]

PETER KEMA, JR.
Born on May 1, 1991

JUDGE BEN H. GADDIS
DATE: December 10, 1992
9:30 a.m.

Children under the age of
eighteen years

NOTICE OF HEARING

TO: STEVEN D. STRAUSS, ESQ.
P.O. Box 11517
Hilo, Hawaii 96721
Attorney for Peter Kema, Sr.

PETER K. KUBOTA, ESQ.
Case & Lynch
460 Kilauea Avenue
Hilo, Hawaii 96720
[redacted]

ALEY AUNA, ESQ.
Deputy Attorney General
Suite 1014-D
101 Aupuni Street
Hilo, Hawaii 96720

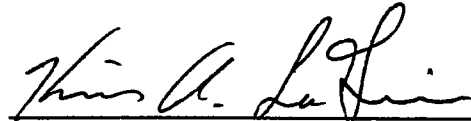
CELIA A. URION, ESQ.
Suite 226
Box 111333
Kamuela, Hawaii 96743

EDITH RADL
Suite 260
Box 111333
Kamuela, Hawaii 96743

PLEASE TAKE NOTICE that the foregoing Review Hearing shall be heard before the Honorable BEN H. GADDIS, Family Court Judge of the Third Circuit, State of Hawaii, in his Courtroom in

the Waiakea Office Plaza, 345 Kekuanaoa Street, Hilo, Hawaii, at 9:30 A.M. o'clock, on December 10, 1992, or as soon thereafter as counsel may be heard.

DATED: Hilo, Hawaii, December 2, 1992.



Kris A. LaGuire,
Attorney for Mother Jaylin Kema

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of MOTHER JAYLIN
KEMA'S STATEMENT REGARDING REVIEW HEARING SCHEDULED FOR DECEMBER
10, 1992 by hand delivery and/or facsimile on December 2, 1992
addressed to:

STEVEN D. STRAUSS, ESQ.
P.O. Box 11517
Hilo, Hawaii 96721
Attorney for Peter Kema, Sr.

Hand Delivered
(Via Court Jacket)

PETER K. KUBOTA, ESQ.
Case & Lynch
460 Kilauea Avenue
Hilo, Hawaii 96720

Hand Delivered
(Via Court Jacket)

ALEY AUNA, ESQ.
Deputy Attorney General
Suite 1014-D
101 Aupuni Street
Hilo, Hawaii 96720

Hand Delivered
(Via Court Jacket)

CELIA A. URION, ESQ.
Suite 226
Box 111333
Kamuela, Hawaii 96743

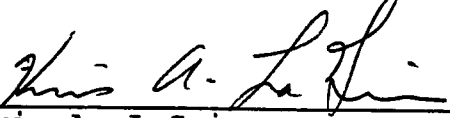
U.S. Postal Service

EDITH RADL
Suite 260
Box 111333
Kamuela, Hawaii 96743

U.S. Postal Service

DATED: Hilo, Hawaii

December 2, 1992.


Kris A. LaGuire
Attorney for Mother Jaylin Kema