

COPY

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HAWAIIAN JUDICIAL BRANCH  
STATE OF HAWAII  
1995

95 AUG 10 AM 11:40

J. LEIALOHA  
CLERK

Attorneys for the Department  
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Interest of

[REDACTED]  
[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

) FC-S NO. [REDACTED]  
) 91-48  
)  
) ORDER RE: CHAPTER 587, H.R.S.,  
) AS AMENDED  
)  
) [X] EXHIBIT "A"  
)  
) HEARING: July 13, 1995  
)  
) HONORABLE BEN H. GADDIS

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

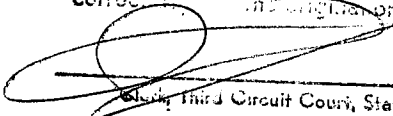
The following parties and/or individuals were present:

- [X] JAYLIN KEMA, Mother;
- [X] KRIS LAGUIRE, Counsel for Mother;
- [X] PETER KEMA, SR., Father of Kema Child;
- [X] STEVEN STRAUSS, Counsel for Mr. Kema;
- [X] [REDACTED], Father of [REDACTED] Child;
- [X] JOHN WAGNER, [REDACTED];
- [X] EDITH KAWAI, Guardian Ad Litem;
- [X] [REDACTED], DHS Social Worker;
- [X] ALEY K. AUNA, JR., Deputy Attorney General;
- [X] [REDACTED];
- [X] PETER KUBOTA, [REDACTED];
- [ ] \_\_\_\_\_;
- [ ] \_\_\_\_\_;
- [ ] \_\_\_\_\_;

The following parties were not present at the hearing:

[ ] \_\_\_\_\_, who was/were  
represented by counsel;

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 [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, 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 presently willing and able to provide [REDACTED] with a safe family home with the assistance of a service plan;
- C Each term, condition, and consequence of the Service Plan and Agreement dated June 28, 1995 (~~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 within a reasonable period of time, their respective parental and custodial duties and rights shall be subject to termination;

X  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 Regarding [REDACTED] the prior award of foster custody is revoked and DHS is awarded family supervision;
- 2 Regarding Peter, Jr., family supervision is continued;
- 3 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 4 Each term, condition, and consequence of the Service Plan and Agreement dated June 28, 1995 (~~as amended~~) is hereby ordered by the Court and a copy is annexed hereto as Exhibit "A";
- 5 DHS shall file its report at least fifteen (15) days prior to the next hearing and the GAL shall file her report at least five (5) days prior to the next hearing;

6 All parties shall appear at a review hearing, which will be held on October 19, 1995 at 9:30 A.M., before the Honorable Ben H. Gaddis;

7 The DHS social worker, <sup>The GAL</sup> and all parties <sup>may be excused</sup> shall appear at a service plan conference at the DHS office, 75 Aupuni Street, Hilo, Hawaii, on October 9, 1995, at 9:00 A.M.;

8 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:

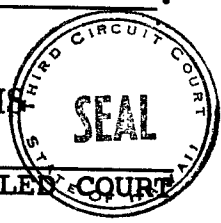
State's 1 DHS Safe Family Home Guidelines Report with exhibits dated June 28, 1995, prepared by [redacted] Social Worker;

State's 2 Report of the Guardian Ad Litem dated July 12, 1995;

X \_\_\_\_\_;  
X \_\_\_\_\_;  
X \_\_\_\_\_;  
X \_\_\_\_\_;

DATED: Hilo, Hawaii, AUG 10 1995

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

Eddie Kawai  
[Signature]  
[Signature]  
[Signature]

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

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

SERVICE PLAN AND AGREEMENT

Date: June 28, 1995

Children's names:

DOB:

EC-S No.:

[REDACTED]  
Kema, Peter Jr.

[REDACTED]  
05/01/91

[REDACTED]  
91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (a.k.a. Jaylin Acol), Mother; Mr. Peter Kema, Sr., Father of Peter Kema Jr.; [REDACTED] 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. [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 Medical Center with multiple fractures of varying ages. [REDACTED] were taken into foster custody by DHS.

This Service Plan and Agreement is intended to facilitate the remaining transitional concerns within the family home.

Justification for the services addressed in this Service Plan are contained in the Safe Home Guidelines dated May 14, 1991; June 26, 1991; August 17, 1991; March 31, 1992; July 8, 1992; May 10, 1993; August 4, 1993; January 24, 1994; July 8, 1994; December 12, 1994; March 13, 1995 and June 28, 1995.

II. GOAL:

Maintain [REDACTED] and Peter Jr. in a nurturing, caring and safe family home.

III. OBJECTIVES:

- A. To continue to learn and demonstrate appropriate interpersonal/relationship skills.
- B. To continue to learn and demonstrate appropriate parenting skills.

EXHIBIT "A"

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

**A. MR. PETER KEMA and MRS. JAYLIN KEMA will:**

Maintain contact with the DHS social worker during the months of July, August and September, 1995, to successfully complete this period of transition following the return of [REDACTED] to the family home during the weekend of June 11, 1995.

**B. The DHS SOCIAL WORKER will:**

Continue to be available for consultation and the provision of supportive services to the Kema family during this three month transitional period following the return of [REDACTED] to the family home.

**VI. ANCILLARY RESOURCES:**

- A. Terry Ann Fujioka, Ph.D.
- B. Family Support Services - Pahoa Office
- C. Pahoa Elementary School System
- D. Headstart Program

**VII. CONSEQUENCES:**

- A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE 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 Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide Peter Kema, Jr., [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS will submit a Stipulation to all of the parties for signature recommending case closure.
- C. If Mrs. Jaylin Kema and/or Mr. Peter Kema, Sr. do not substantially comply with their responsibilities to provide Peter Kema, Jr., [REDACTED], 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 the children.

VIII. SERVICE PLAN REVIEW DATE:

This Service Plan shall be in effect until November 1, 1995.

IX. 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 KEMA  
Mother  
Date

\_\_\_\_\_  
PETER KEMA SR.  
Father of Peter Kema. Jr.  
Date

\_\_\_\_\_  
\_\_\_\_\_  
Social Worker  
Date

I certify I have reviewed this document.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Supervisor  
Child Welfare Services Unit II  
Representing the Department of  
Human Services

COPY

EDITH KAWAI 4631-0  
ATTORNEY AT LAW  
Post Office Box 160  
Kamuela, HI 96743  
Tel: (808) 885-0788

FAMILY COURT THIRD CIRCUIT  
STATE OF HAWAII  
FILED

95 JUL 12 AM 9:33

J. LEIALOHA  
CLERK

GUARDIAN AD LITEM

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF

FC-S NO. [REDACTED] & 91-48

[REDACTED]

REPORT OF THE GUARDIAN  
AD LITEM; CERTIFICATE OF  
SERVICE

[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

HRG: 7/13//95; 10:00 am  
JDG: Hon. Ben Gaddis

REPORT OF THE GUARDIAN AD LITEM

COMES NOW Edith Kawai, court-appointed guardian ad litem herein, and hereby submits the following report to this Court.

On the day of the last review hearing, March 30, 1995, I was able to visit the Kema home in the company of [REDACTED]. We found [REDACTED] to be quite animated, happy, and totally at ease. They spoke very freely. We played games and visited rather noisily while also carrying on a conversation with Jaylin and Peter Kema. Also present at that time was [REDACTED]. The visit was very pleasant. I hope that Jaylin and Peter were able to see that there were no ulterior motives in the visit.

[REDACTED] were returned home shortly after the school year closed in June. [REDACTED] have joined their [REDACTED] Peter, [REDACTED] e [REDACTED]

The family lives in the Nanawale Estates area which is located near Pahoa. The home is a three-bedroom, ranch-style house. There is more than enough room to accomodate [REDACTED] and parents comfortably in the home. [REDACTED] share one bedroom while Peter and [REDACTED] share the other. The rooms are filled with toys and kids' gear. It's clear that [REDACTED] are able to play freely in the home and that they have really settled in.

I have made one visit to the family home since the [REDACTED] return. During that visit, all [REDACTED] were taking afternoon naps. The house was very warm and [REDACTED] were sleeping very deeply. [REDACTED] was very busy playing all by herself while the other snoozed.

Peter, Sr. and Jaylin were using the childrens' nap time to their benefit by working on the family car. When I arrived, Jaylin was under the front end of the car and Peter was dealing with some chaos under the hood. Jaylin has said that she has been working on cars for some time with Peter.

I asked Jaylin about school forecasts for the [REDACTED]. [REDACTED] are registered to attend the elementary school at Pahoia this coming Fall. She has requested that Kahakai Elementary send [REDACTED] records as soon as possible. Jaylin expects that classroom and teacher assignments will be published by August 24, 1995. All seems to be ready for the Fall. In the meantime [REDACTED] are staying at home for the summer. [REDACTED] were not yet returned when sign-ups for summer programs were available. The family takes walks in the area or goes to the park just down the road for outings.

[REDACTED] have friends in the area. It's rather hard to believe that there are people in the area because Nanawale Estates is very thickly wooded. Nonetheless, the [REDACTED] have found friends in a couple of different directions within close walkin distance from the house.

Some concerns have been raised regarding visitation again. [REDACTED] contacted me regarding visits. She said that she'd tried to set something up but wasn't getting cooperation from Jaylin. She also stated that they hadn't heard from [REDACTED] by phone either for several weeks. I raised this issue with Jaylin during my visit. [REDACTED] have a right to visit. I am fully aware that [REDACTED] need to settle in now but they need to be able to visit and talk story with [REDACTED]. They lived with their [REDACTED] for almost four years. It would not be in their best interests to cut off contact or to make contact difficult.

I do not believe that the guardian ad litem, the worker, and attorneys should not have to become involved at this juncture on the issue of visitation. We have beaten this horse to death!! Dr. Barthel has worked on this issue with the Kemas and [REDACTED]. Each side has professed that visitation is in the best interests of [REDACTED]. And then there are hang ups, calls left unreturned, answering machine woes. I would like to see smooth and easy communication for [REDACTED] with [REDACTED]. I would like to see mom and dad reminding [REDACTED] that it's talk



story time with [REDACTED]. I would like to see straight communication about visitation. "Yes, this weekend's ok." "No, we have other plans then."

I believe that this family is well on its way to success. There have been many, many changes in the past four years. There have been no end of trouble and challenges. Although there have been difficulties between the adults, they have all worked for the best interests of [REDACTED]. There has been a concerted effort which has put this family back together. [REDACTED] provided a safe haven for [REDACTED]. The Kemas have struggled with living arrangements, no work, house changes, and much, much more. I believe that this situation could very easily have taken a very different direction had it not been for the joint efforts of both [REDACTED] and the parents. They have all gained by their efforts. The family is intact.

I would support family supervision to continue for Peter, Jr. I would support revocation of foster custody for [REDACTED] with a change to family supervision. I would look forward to a stipulation in late September or early October, revocation of family supervision and termination of court jurisdiction.

DATED: KAMUELA, HAWAII, 12 July 1995.

Edith Kawai

EDITH KAWAI  
GUARDIAN AD LITEM

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 mails, postage prepaid, on this date as follows:

ALEY K. AUNA, ESQ. by fax  
Deputy Attorney General  
1014-D Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, HI 96720

PETER KUBOTA, ESQ. by fax  
ATTORNEY AT LAW  
121 Waianuenue Avenue  
Post Office Box 686  
Hilo, HI 96720

KRIS LAGUIRE, ESQ. by fax  
ATTORNEY AT LAW  
101 Aupuni Street, Suite 124  
Hilo, HI 96720

STEVEN D. STRAUSS, ESQ. by fax  
ATTORNEY AT LAW  
P O Box 11517  
Hilo, HI 96720

 MSW by fax  
DHS- HILO OFFICE

DATED: KAMUELA, HAWAII, 12 July 1995

Edith Kawai  
EDITH KAWAI  
GUARDIAN AD LITEM

COPY

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Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
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FAMILY COURT THIRD CIRCUIT  
STATE OF HAWAII  
FILED

95 OCT 12 PM 3:30

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]

) NOTICE OF FILING; SAFE  
) FAMILY HOME GUIDELINES REPORT;  
) CERTIFICATE OF SERVICE

[REDACTED]

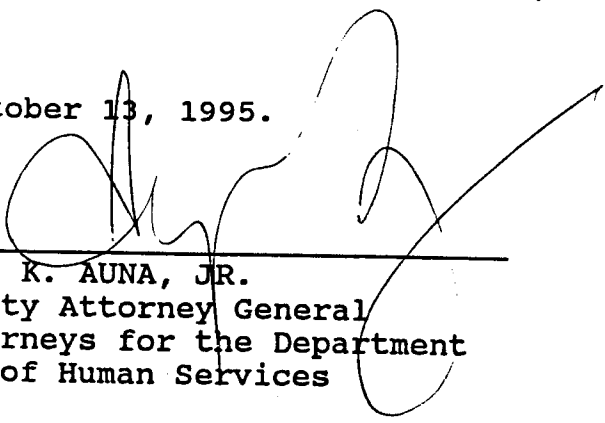
PETER KEMA, JR.  
Born on May 1, 1991

) DATE: October 19, 1995  
) TIME: 9:30 a.m.  
) JUDGE: BEN H. GADDIS  
)  
)  
)

NOTICE OF FILING

Please take notice that the attached Safe Family Home  
Guidelines Report dated October 10, 1995 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, October 13, 1995.

  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General  
Attorneys 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

)  
)  
)  
)  
) SAFE FAMILY HOME GUIDELINES  
) GUIDELINES REPORT

)  
)  
)  
)  
)  
) PETER KEMA, JR.

) Born on May 1, 1991

) Children under the age of  
) eighteen years.

) JUDGE : BEN H. GADDIS

) HEARING: OCTOBER 19, 1995

) TIME : 9:30 A.M.

SAFE FAMILY HOME GUIDELINES REPORT

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 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.

As discussed below, the Department of Human Services ("DHS") is using reasonable efforts to return the children to the family home.

The following information concerns the current situation relevant to each of the 14 guidelines' criteria set forth in HRS 587-25. This report is intended to be reviewed in conjunction with each of the prior reports submitted in this case.

1. THE CURRENT FACTS RELATING TO THE CHILD WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILD.

[REDACTED] and [REDACTED] returned to their family home which is located in Nanawale Estates (lower Puna on the Big Island) on the weekend of June 11, 1995, and have continued to reside in the family home since that date. Other members in the family home include half-brother, Peter Kema Jr. ("Peter Boy"), age four (4); [REDACTED]; mother, Jaylin Kema ("Mother"); and stepfather, Peter Kema, Sr. ("Father").

During the months of June, July and August, 1995, several unannounced visits to the family home were made. [REDACTED] were often found playing outside with their pets and toys and quickly came to greet this social worker, eager to share what was going on in their lives at the time of the particular visit. As previously reported, Mother and Father planned outings to the beach, picnics in the park and other activities to keep [REDACTED] busy during their summer vacation time. [REDACTED] also accompanied Mother and Father to various gatherings with Father's relatives who live on the Hilo side of the Big Island.

[REDACTED] are now attending classes at Pahoa Elementary School where [REDACTED] is in the third grade and [REDACTED] is in the first grade. Mrs. Eleanor Wolfe is the school counselor for [REDACTED].

Peter Boy attended the first week of the Kamehameha Pre-School program when he came down with bronchitis and was absent from the program for a week. Mother contacted the program to inform them of Peter Boy's illness but, upon returning the following week, was told that his slot had been given to another child. Although disappointed, Mother has made efforts to find alternative activities for Peter Boy to engage in at home until he can return to the program for the second half of the year.

A telephone call was made to the Pahoa Family Health Clinic on the morning of October 9, 1995 to check on the status of the [REDACTED] medical check-ups. Clinic personnel stated that Mother has been very responsible in keeping all of the scheduled appointments for [REDACTED] as well as bringing them in whenever there is a need for medical treatment due to an illness. A call to Dr. Lehman's office indicated that the [REDACTED] completed their dental check-ups during the early part of September, 1995.

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR THREATENED HARM SUFFERED BY THE CHILD.

Please refer to prior court reports.

This social worker is not aware of any new incidents of physical harm suffered by any of [REDACTED]

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.

Please refer to prior reports.

4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.

Please refer to prior reports.

The longstanding problem with regard to Mother initiating and facilitating telephone calls and visits between [REDACTED], and [REDACTED] has continued during this current reporting period.

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

Please refer to prior reports.

6. 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.

Please refer to prior reports.

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

Please refer to prior reports.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.

The DHS continues to consider each parent a perpetrator of the past incidents of harm upon [REDACTED] and Peter Jr. whether by omission or commission.

By their actions, Mother and Father continue to provide reassurance to [REDACTED] of their ability and intention to maintain a safe, loving and caring home for each of them.

9. WHETHER THE NON-PERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.

There are no non-perpetrators living in the family home.

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

[REDACTED] continue to be available to provide emotional and physical support to [REDACTED] through the sharing of their time and their home for telephone calls and visits. Mother and Father, however, have not chosen to allow the [REDACTED] to avail themselves of such contact since the family became reunited on the weekend of June 11, 1995.

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT ORDERED SERVICES. DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Mother and Father have participated in various services over the past four years in order to prepare themselves for the reunification of [REDACTED] into the family home. These services have also assisted Mother and Father in maintaining a safe, caring and nurturing home for [REDACTED] since their return on June 11, 1995.

Mother has availed herself of services within the local Pahoia community which will help her to continue to meet the needs of [REDACTED] as they grow older. Mother plans to continue in these programs in the future as well as keeping herself aware of other resources which may become available to her.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

Please refer to prior reports.

All safety issues within the home have been resolved.

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

Please refer to prior reports.

[redacted] continue to be denied the right to have ongoing telephone and in-person visits with [redacted] despite the encouragement by this social worker, past family member therapists, and the respective legal counsels that such contacts would be in the best interests of [redacted]

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

Peter Boy, [redacted] have all been returned to the family home. Monitoring by the DHS has indicated that Mother and Father are now able to provide a safe, nurturing and caring home for all of [redacted] on a continuous basis.

It is unfortunate that Mother and Father have not allowed the [redacted] to maintain contact with [redacted] since their return to the family home. [redacted] would receive positive emotional and physical benefits from such extended family contacts. Of and by itself, however, such lack of contact is not sufficient to cause this social worker to be of the opinion that the family home is unsafe without continued DHS intervention until such contact is initiated.

RECOMMENDATION

Based upon the aforementioned information, it is recommended to the Court by the Department of Human Services that Court jurisdiction over [redacted], [redacted] and Peter Kema Jr. be terminated.

DATED: Hilo, Hawaii, October 10, 1995.

Respectfully submitted,

[redacted]  
DHS Social Worker

I certify I have reviewed this document.

[redacted] 10/9/95  
Date  
Supervisor  
Child Welfare Services Unit II

Representing the Department of  
Human Services

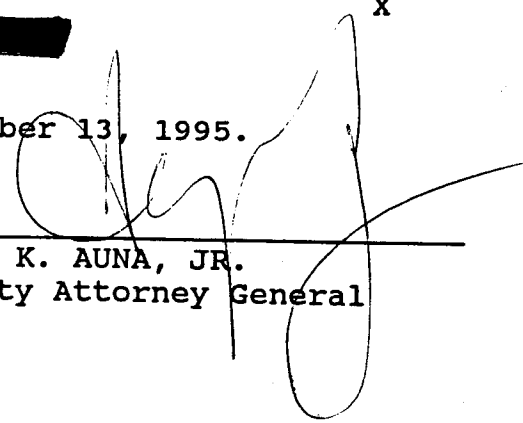


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 13, 1995, a copy of the foregoing was duly served by the methods below to the following individuals:

	<u>Hand Delivery/ Facsimile</u>	<u>U. S. Mail</u>
KRIS LaGUIRE, ESQ. Attorney for Mother	X	
* STEVEN D. STRAUSS, ESQ. Attorney for Mr. Kema		X
JOHN A. WAGNER, ESQ. [REDACTED]		X
EDITH KAWAI, ESQ. Guardian Ad Litem		X
PETER KUBOTA, ESQ. [REDACTED]		X

DATED: Hilo, Hawaii, October 13, 1995.

  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General

**COPY**

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
7-170

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

APR 10 10 45 AM '95  
SANDRA LIM

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

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 NO. [REDACTED]
[REDACTED]	)	91-48
[REDACTED]	)	ORDER RE: CHAPTER 587, H.R.S.,
[REDACTED]	)	AS AMENDED; EXHIBIT "A"
[REDACTED]	)	
PETER KEMA, JR.	)	HEARING: March 30, 1995
Born on May 1, 1991	)	
_____	)	HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

- [ X ] JAYLIN KEMA, Mother;
- [ X ] KRIS LAGUIRE, Counsel for Mother;
- [ X ] PETER KEMA, SR., Father of Kema Child;
- [ X ] STEVEN STRAUSS, Counsel for Mr. Kema;
- [ ] [REDACTED], Father of [REDACTED] Child;
- [ X ] EDITH KAWAI, Guardian Ad Litem;
- [ ] [REDACTED], DHS Social Worker;
- [ X ] ALEY K. AUNA, JR., Deputy Attorney General;
- [ ] [REDACTED], [REDACTED];
- [ X ] PETER KUBOTA, [REDACTED];
- [ X ] JOHN WAGNER, [REDACTED];
- [ ] \_\_\_\_\_;
- [ ] \_\_\_\_\_;
- [ ] \_\_\_\_\_;

The following parties were not present at the hearing:

- [ X ] [REDACTED], who was/were represented by counsel;

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

*Sandra Lim*

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 [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, 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 Regarding Peter, Jr. the child's family is presently willing and able to provide the child with a safe family home with the assistance of a service plan;
- C Regarding [REDACTED], [REDACTED] family is not presently willing and able to provide [REDACTED] with a safe family home even with the assistance of a service plan;
- D Each term, condition, and consequence of the Service Plan and Agreement dated March 13, 1995 (~~as amended~~) and attached as Exhibit "A" has been thoroughly explained to and is understood by each party;
- E Each party understands that unless the family is willing and able to provide [REDACTED] with a safe family home within a reasonable period of time, their respective parental and custodial duties and rights shall be subject to termination;

X \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

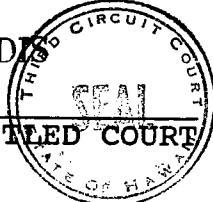
- 1 Regarding [REDACTED], the prior award of foster custody is continued;
- 2 Regarding Peter, Jr., family supervision is continued;
- 3 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 4 All parties shall appear at a review hearing, which will be held on July 13, 1995 at 10:00 A.M., before the Honorable Ben H. Gaddis;

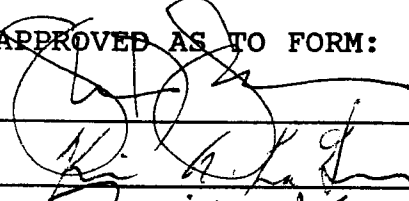
- 5 Each term, condition, and consequence of the Service Plan and Agreement dated March 13, 1995 (~~as amended~~) is hereby ordered by the Court and a copy is annexed hereto as Exhibit "A";
- 6 The following exhibits are admitted into evidence and made a part of the record, provided that the parties reserve the right to cross-examination thereon:

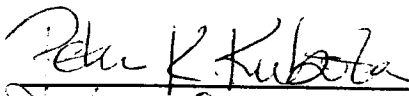
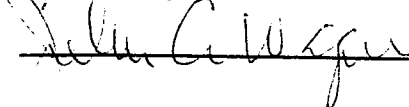
State's 1            DHS Safe Family Home Guidelines Report dated March 13, 1995, prepared by [REDACTED], Social Worker;

State's ~~X~~ \_\_\_\_\_  
 \_\_\_\_\_ ;  
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 \_\_\_\_\_ ;

DATED: Hilo, Hawaii, APR 10 1995

BEN H. GADDIS  
 JUDGE OF THE ABOVE-ENTITLED COURT  


APPROVED AS TO FORM:  
  
 \_\_\_\_\_  
 Edith Kawai Reed

  
 \_\_\_\_\_  
  
 \_\_\_\_\_

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

SERVICE PLAN AND AGREEMENT

Date: March 13, 1995

names:

DOB:

EC-S No.:

Kema, Peter Jr.

05/01/91

91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (a.k.a. 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. [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 DHS.

This Service Plan and Agreement is intended to facilitate the continuing efforts being made by Mother and Father to make the family home a consistently safe, nurturing and caring environment in which [REDACTED] can reside.

Justification for the services addressed in this Service Plan are contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, August 17, 1991, March 31, 1992, July 8, 1992, May 10, 1993, August 4, 1993, January 24, 1994 and July 8, 1994, December 12, 1994 and March 13, 1995.

II. GOAL:

The primary goal is to return [REDACTED] to the family home at the completion of the current school year, June, 1995.

The secondary goal is to provide Peter Boy with a continuing safe, stable and nurturing family home.

EXHIBIT "A"

III. OBJECTIVES:

- A. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS.
- B. TO CONTINUE TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT.
- C. TO CONTINUE TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT.
- D. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS.

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

A. MR. PETER KEMA, Father, and MRS. JAYLIN KEMA, Mother, will:

- 1. Continue to maintain contact with [REDACTED] and [REDACTED] through regular telephone contacts while [REDACTED] are in Kona and through regularly scheduled weekend visitations.
- 2. Continue to participate in therapeutic counseling with Kit Barthel, Ph.D. to address areas of personal, marital and family concerns until clinically discharged.

Note: This therapy will consist of individual sessions, conjoint sessions with each other and "ohana" sessions with [REDACTED] in attendance.

- 3. Continue to allow therapists and other service providers to share verbal and written reports with the DHS.
- 4. Continue not to use any physical discipline with [REDACTED].
- 5. Maintain regular contact with the DHS to discuss problems and progress with this Service Plan.

D. THE DHS SOCIAL WORKER will:

1. Continue to monitor problems and progress with this Service Plan by maintaining contact, verbal, written, or face-to-face, with the service providers.
2. Continue to maintain regular contacts with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the Guardian Ad Litem (GAL).
4. Continue to assess the effectiveness and utilization of services provided.
5. Continue to maintain regular contact with [REDACTED] and the foster parent to assure appropriate care for [REDACTED] and appropriate support for the foster parent.
6. Continue to encourage Mother, Father and [REDACTED] to work out and maintain a realistic schedule of weekend visits for [REDACTED].

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

A. [REDACTED]

will:

1. Continue to attend therapeutic counseling sessions under the guidance of Kit Barthel, Ph.D, with Mother and Father also in attendance.
2. Continue to maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.
3. Continue to transport [REDACTED] to and from the doctor's office for routine and recommended therapy or examinations.
4. Encourage [REDACTED] to communicate with Mother and Father through visitations and frequent telephone calls.

5. Continue to establish clear rules for [REDACTED], and follow-up with fair and consistent positive and negative consequences.
6. Continue to keep the social worker informed of any changes and new developments in the children's situation.
7. Continue to provide positive role modeling.
8. Maintain a neutral and fair attitude with respect to the issue of impending reunification.
9. Continue the visits between [REDACTED] and [REDACTED].

VI. ANCILLARY RESOURCES:

- A. Dr. Kit Barthel, Ph.D.  
P.O. Box 1811  
Kamuela, Hawaii 96743  
Telephone: 961-2525
- B. Terry Ann Fujioka, Ph.D.

VII. CONSEQUENCES:

- A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE 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 Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide [REDACTED] 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 their home and a change of status to Family Supervision.
- C. If Mrs. Jaylin Kema and/or Mr. Peter Kema, Sr. do not substantially comply with their responsibilities to provide [REDACTED], 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.



VIII. SERVICE PLAN REVIEW DATE:

This Service Plan shall be in effect until the next scheduled court hearing, or until further order of the Court.

IX. 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 KEMA Date  
Mother

\_\_\_\_\_  
PETER KEMA SR. Date  
Father of Peter Kema. Jr.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
3/24/95  
Date  
Social Worker

I certify I have reviewed this document.

\_\_\_\_\_  
7/24/95  
Date

Supervisor  
Child Welfare Services Unit II

Representing the Department of  
Human Services

**COPY**  
MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

FAMILY COURT 3RD CIRCUIT  
STATE OF HAWAII  
FILED

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

95 JUL -5 PM 1:43

J. LEIALOHA  
CLERK

Attorneys for the Department  
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]  
[REDACTED]  
[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

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

) NOTICE OF FILING; SAFE FAMILY  
) HOME GUIDELINES REPORT;  
) EXHIBIT "A"; SERVICE PLAN AND  
) AGREEMENT; CERTIFICATE OF  
) SERVICE

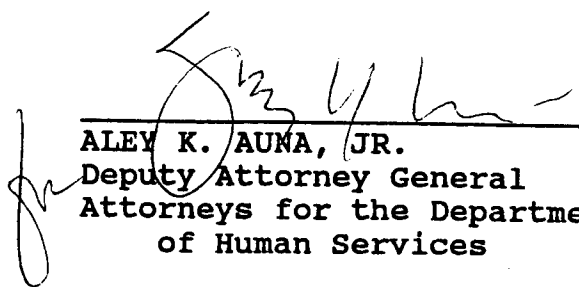
) DATE: July 13, 1995  
) TIME: 10:00 a.m.  
) JUDGE: BEN H. GADDIS

NOTICE OF FILING

Please take notice that the attached Safe Family Home  
Guidelines Report; Exhibit "A" and the Service Plan and  
Agreement dated June 28, 1995, and prepared by [REDACTED]

[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, July 5, 1995.

  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General  
Attorneys 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

)  
)  
)  
) SAFE FAMILY HOME GUIDELINES  
) REPORT; EXHIBIT A;  
) SERVICE PLAN AND AGREEMENT

[REDACTED]  
[REDACTED]  
PETER KEMA, JR.

Born on May 1, 1991

Children under the age of  
eighteen years.

) JUDGE : BEN H. GADDIS

) HEARING: JULY 13, 1995

) TIME : 10:00 A.M.

SAFE FAMILY HOME GUIDELINES REPORT

Date: June 28, 1995

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 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.

As discussed below, the Department of Human Services ("DHS") is using reasonable efforts to return [REDACTED] to the family home.

The following information concerns the current situation relevant to each of the 14 guidelines' criteria set forth in HRS 587-25. This report is intended to be reviewed in conjunction with each of the prior reports submitted in this case.

1. THE CURRENT FACTS RELATING TO THE CHILD WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILD.

[REDACTED]  
left the home of [REDACTED]

[REDACTED] on the weekend of June 11, 1995 to return to their family home which is located in Nanawale Estates (lower Puna on the Big Island). [REDACTED] lived with [REDACTED] for almost four years prior to their return to the family home. Other members in the family home include half-brother, Peter Kema, Jr. ("Peter Boy"), age four (4); [REDACTED]; mother, Jaylin Kema ("Mother"); and stepfather, Peter Kema, Sr. ("Father").

On two separate visits to the family home since their return, this social worker observed [REDACTED] engaging in activities with Peter Jr. and [REDACTED] as well as enjoying doing things by themselves. [REDACTED] took time to share the things which they were working on as well as talking about various outings which they have taken since returning home. Peter Boy shared that he has been talking on the phone with [REDACTED] when [REDACTED] make their calls to talk with [REDACTED]. Peter Boy appeared to be very happy about resuming regular contact with [REDACTED].

During the first home visit, Mother spoke at length about steps which she has taken to address the schooling needs of each child in September, 1995. Mother has also applied for Headstart services for [REDACTED].

At the present time, Mother is checking out what age-appropriate activities are taking place within the local community which would help to keep [REDACTED] occupied in the weeks between now and the start of the fall school semester. While at home, [REDACTED] can make use of the wading pool in the backyard as well as playing with the family pet dogs. Mother stated that she was hesitant to allow [REDACTED] to use the larger swimming pool at the Nanawale Community Center because she had heard that there was some kind of infection in the water in the pool.

Mother has made arrangements for [REDACTED] medical and dental needs to be taken care of by the Pahoia Family Health Clinic and the local dentist who has his office in Pahoia. (Note: The family home is located approximately five miles from downtown Pahoia.)

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR THREATENED HARM SUFFERED BY THE CHILD.

Please refer to prior court reports.

This social worker is not aware of any new incidents of physical harm suffered by any [REDACTED].

In preparation for the return of [REDACTED] to the family home, Mother; Father; [REDACTED] engaged in conjoint counseling with Christopher Barthel III, Ph. D. The sessions focused on opening up the lines of communication between all of the adults so that contact between [REDACTED] and Peter Boy would take place on a regular basis following the return of [REDACTED] to the family home. As stated in Safe Home Guidelines #1, Peter Boy shared that since [REDACTED] return to family home, he has been able to talk on the phone with the [REDACTED] on a regular basis.

Prior to the ending of the conjoint counselling sessions, Dr. Barthel reported that he felt comfortable with [REDACTED] returning home in that, given their ages, [REDACTED] could assist in maintaining contact with [REDACTED] by initiating their own phone calls as well as the fact that Mother was communicating more freely with [REDACTED].

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.

Please refer to prior reports.

As of the weekend of June 11, 1995, [REDACTED] are living in the family home with Mother and Stepfather. Peter Boy previously returned to the family home in July, 1994.

4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.

Please refer to prior reports.

During this reporting period, conjoint counseling sessions conducted by Dr. Barthel have continued to provide Mother, Father, [REDACTED] with a time and place to discuss their mutually painful experiences of the past so that

they can process them and work through the guilt and pain in order to move on for the sake of [REDACTED], Peter Boy and [REDACTED]

Mother made use of the counseling sessions to share some painful experiences which took place in her childhood in an effort to let [REDACTED] know of her unresolved blame focused on them for not having protected her. With this matter having been brought out into the open, the old wounds can begin to heal and the relationship within the extended "ohana" can become a more healthy and supportive one for [REDACTED] as well as the adults.

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

Please refer to prior reports.

As previously stated, Dr. Barthel has provided conjoint counseling for Mother, Father, [REDACTED] during the current reporting period while Terry Ann Fujioka, Ph.D has provided counseling services for [REDACTED]. Dr. Barthel is presently out of the country on vacation; but, Dr. Fujioka has agreed to provide interim therapy should there be a need of such by any of [REDACTED].

A copy of Dr. Fujioka's letter dated June 12, 1995, is attached to report as a means of providing additional information to the court. (EXHIBIT A)

6. 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.

Please refer to prior reports.

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

Please refer to prior reports.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.

The DHS continues to consider each parent a perpetrator of the past incidents of harm upon [REDACTED] and Peter Jr. whether by omission or commission.

Through the four years in which [REDACTED] lived with [REDACTED], Mother and Father have had to find age appropriate ways to speak with [REDACTED] about the incidents of harm which took place in 1991. At the same time, Mother and Father have shown, through their participation in court-ordered services, a willingness to take the necessary steps to make themselves and the family home a safe place in which [REDACTED] could live and grow up.

9. WHETHER THE NON-PERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.

There are no non-perpetrators living in the family home.

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

The relationship between Mother, Father, [REDACTED] has reached a point where these [REDACTED] can work together for the benefit of [REDACTED]. The rebuilding of this relationship made significant progress under the therapeutic guidance of Dr. Barthel. An additional consideration is the fact that [REDACTED] are now old enough that they can make their needs known to Mother and Father as well as assisting Peter Boy in making regular telephone contact with [REDACTED].

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT ORDERED SERVICES. DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Mother and Father have participated in various services over the past four years in order to prepare themselves for the reunification of Peter Boy, [REDACTED] into the family home. In visitations to the family home, this social worker has been impressed with progress which these two parents have made and their ability to put what they have learned into action.

Mother, in particular, has taken it upon herself to search out and secure the necessary services for [REDACTED] (i.e. schooling, medical, dental and recreational) so that [REDACTED] can continue to grow and mature mentally and emotionally as well as physically as they progress in age.

Both Mother and Father have maintained a positive working relationship with this social worker. They have not hesitated to ask for assistance on behalf of [REDACTED] when a specific need arises and they have been open to any and all suggestions made to them. At the same time, Mother and Father have also been able to share their concern and disagreement when they felt a proposed plan of action was not in their or [REDACTED] best interests.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

With the completion of conjoint counseling with Dr. Barthel, Mother and Father became ready to assume the full time care of [REDACTED] within the family home. Hence, the return of [REDACTED] to the family home took place during the weekend of June 11, 1995, following the signing of a Stipulation by all of the parties to the case.

While there will always be additional work which needs to be done to maintain the safety of the family home, Mother and Father have demonstrated their willingness to engage in and continue in services for as long necessary in order to provide the most nurturing, caring and safe home possible for [REDACTED].

Just as [REDACTED] grow and mature toward adulthood, so too the parents have committed themselves to continually find new and appropriate ways to address each child's need for a supportive and loving structure within the family.

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

Through the last four years, Mother and Father, themselves, matured so that they are now able to look beyond their own needs to the needs of [REDACTED]. By working with Dr. Barthel, Mother and Father have re-established their relationship with [REDACTED].

The renewed relationship between the parents and [REDACTED] cannot help but make it easier for [REDACTED] to settle in within the family home, secure in the knowledge that they can maintain contact with [REDACTED] through regular phone calls with them as well as periodic visits by the [REDACTED] to Hilo. Regular trips to Kona are also part of the ongoing plan to provide appropriate support and care to



[REDACTED] while meeting their emotional need to have regular contact with the [REDACTED]

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

Prior to their return to the family home, [REDACTED] spent extended periods of visitations with Mother, Father and [REDACTED]. By doing so, [REDACTED] became aware of the physical preparations which were being made in anticipation of their return to the family home, i.e. a stable home located in a country setting, large enough to accommodate the entire family comfortably as well as a reasonably reliable family car to provide transportation when needed. An adequate food supply was also available during these visits as well as toys and planned activities to keep [REDACTED] occupied.

Of greater importance, however, was the opportunity afforded to [REDACTED] during these visits to experience the much needed emotional nurturance which Mother and Father were able to provide having dealt with their own adult problems in counseling with Dr. Barthel. The need was great to rebuild trust in [REDACTED] so that they could put their fears, arising out of past incidents, of abuse to rest and be confident that they would not be hurt again upon their return to the family home.

The final step took place when, early in 1995, Mother and Father engaged in conjoint therapy with [REDACTED] under the direction of Dr. Barthel, to address the lack of communication and cooperation among the adults on behalf of [REDACTED].

With the passing of time in addition to participation in the various court-ordered services, Mother and Father have gained a sufficient amount of knowledge to allow them to resume caring for [REDACTED] on a full-time basis. Mother and Father have made a commitment to continue to avail themselves of support services being offered in the local Pahoia community through Family Support Services and the Department of Education.

As a means of supporting this family through the transition period involved in getting [REDACTED] settled in the Pahoia School system, Mother and Father have agreed to continued involvement by the DHS through the end of September, 1995.

**RECOMMENDATION**

Based upon the aforementioned information, it is recommended to the Court by the Department of Human Services:

- 1) That Foster Custody of [REDACTED] be revoked;
- 2) That Family Supervision of [REDACTED] be awarded;
- 3) That Family Supervision of Peter Kema, Jr. be continued;
- 4) That upon the signing of a Stipulation by all of the parties in October, 1995, Family Supervision of the above children be revoked and court jurisdiction be terminated.

DATED: Hilo, Hawaii, \_\_\_\_\_ June 28, 1995 . \_\_\_\_\_ .

Respectfully submitted,

[REDACTED]  
DHS Social Worker

I certify I have reviewed this document.

[REDACTED]  
Supervisor

\_\_\_\_\_  
Date

Representing the Department of  
Human Services

TERRY ANN T. FUJIOKA, PH.D.  
Licensed Psychologist

Office: Mango Court, Bldg. 2, #110  
Mamalahoa Highway  
Kainaliu, Hawaii

Mail: Post Office Box 478  
Holualoa, Hawaii 96725

Phone: (808) 324-0434 Fax: (808) 324-0129

12 June 1995

[REDACTED] Social Worker  
Family and Adult Services  
Department of Human Services  
P.O. Box 1562  
Hilo, Hawaii 96720

Re: [REDACTED]

Dear [REDACTED]

As you may have surmised, I have finished the therapy with [REDACTED] in light of their return to their mother's home. The last session was on 6 June. At that time, [REDACTED] were looking forward to the move, and they expressed excitement about the prospect of living with [REDACTED]. They were also pleased that they already had friends in the neighborhood. [REDACTED] were, as in the past, more circumspect about their thoughts and feelings about living with their mother and stepfather. Their reserve seemed to reflect, in part, their memories of past events and their continuing concerns about how they will be treated. As you know from past contacts, [REDACTED] are quite concerned about how anger is expressed in their family, and it is likely that they and their newly reconstituted family may benefit from help with this issue.

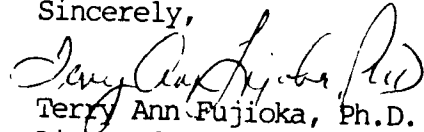
As you already know, [REDACTED] are strongly attached to their family in Kona, and my impression is that this attachment is a healthy and secure one. I believe that they perceive their relationships with their Kona family members as important to their sense of security and their sense of identity. For these reasons, I believe that it is clearly in [REDACTED] best interests that they be able to have regular visitations with their family in Kona. A disruption in the contact with [REDACTED] would be especially disruptive to their continued development of internal security, stability, and cohesiveness. I think that we already had an example of how [REDACTED] emotional developments were jeopardized when they did not have consistent contact with their brother; [REDACTED] felt the loss profoundly, and it seemed to shake their sense of security and trust in adults. Another such disruption in significant relationships would, I think, further instill in them a suspicion that adults are not very trustworthy or reliable, which could have a deleterious effect on their long-term

**EXHIBIT A**

development. I hope that Mr. and Mrs. Kema and [REDACTED] are able to work out a way for visitations to occur so that [REDACTED] needs can be met and so that [REDACTED] can experience adults as being reliable and sensitive to their needs.

I hope this information is of some use to you as [REDACTED] and their families undergo this major transition. Please feel free to contact me should you have any questions.

Sincerely,

  
Terry Ann Fujioka, Ph.D.  
Licensed Psychologist

cc: E. Radl, Esq.

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

SERVICE PLAN AND AGREEMENT

Date: June 28, 1995

Children's names:

DOB:

FC-S No.:

[REDACTED]  
Kema, Peter Jr.

[REDACTED]  
05/01/91

[REDACTED]  
91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (a.k.a. Jaylin Acol), Mother; Mr. Peter Kema, Sr., Father of Peter Kema Jr.; [REDACTED] 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. [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 Medical Center with multiple fractures of varying ages. [REDACTED] were taken into foster custody by DHS.

This Service Plan and Agreement is intended to facilitate the remaining transitional concerns within the family home.

Justification for the services addressed in this Service Plan are contained in the Safe Home Guidelines dated May 14, 1991; June 26, 1991; August 17, 1991; March 31, 1992; July 8, 1992; May 10, 1993; August 4, 1993; January 24, 1994; July 8, 1994; December 12, 1994; March 13, 1995 and June 28, 1995.

II. GOAL:

Maintain [REDACTED] and Peter Jr. in a nurturing, caring and safe family home.

III. OBJECTIVES:

- A. To continue to learn and demonstrate appropriate interpersonal/relationship skills.
- B. To continue to learn and demonstrate appropriate parenting skills.

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

**A. MR. PETER KEMA and MRS. JAYLIN KEMA will:**

Maintain contact with the DHS social worker during the months of July, August and September, 1995, to successfully complete this period of transition following the return of [REDACTED] to the family home during the weekend of June 11, 1995.

**B. The DHS SOCIAL WORKER will:**

Continue to be available for consultation and the provision of supportive services to the Kema family during this three month transitional period following the return of [REDACTED] to the family home.

**VI. ANCILLARY RESOURCES:**

- A. Terry Ann Fujioka, Ph.D.
- B. Family Support Services - Pahoia Office
- C. Pahoia Elementary School System
- D. Headstart Program

**VII. CONSEQUENCES:**

- A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE 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 Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide Peter Kema, Jr., [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS will submit a Stipulation to all of the parties for signature recommending case closure.
- C. If Mrs. Jaylin Kema and/or Mr. Peter Kema, Sr. do not substantially comply with their responsibilities to provide Peter Kema, Jr., [REDACTED] 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]

VIII. SERVICE PLAN REVIEW DATE:

This Service Plan shall be in effect until November 1, 1995.

IX. 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 KEMA Date  
Mother

\_\_\_\_\_  
PETER KEMA SR. Date  
Father of Peter Kema. Jr.

\_\_\_\_\_  
*6/21/95*  
Date  
Social Worker

I certify I have reviewed this document.

\_\_\_\_\_  
Supervisor  
Child Welfare Services Unit II

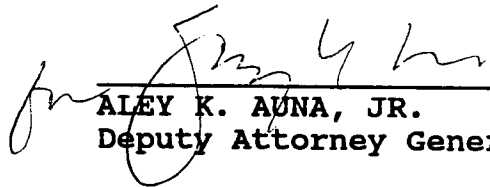
Representing the Department of  
Human Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 5, 1995, a copy of the foregoing was duly served by the methods below to the following individuals:

	<u>Hand Delivery/ Court Jacket</u>	<u>U. S. Mail</u>
KRIS A. LAGUIRE, ESQ. Attorney for Mother	X	
STEVEN D. STRAUSS, ESQ. Attorney for Peter Kema, Sr.	X	
EDITH KAWAI, ESQ. Guardian Ad Litem		X
PETER KUBOTA, ESQ. [REDACTED]	X	
JOHN A. WAGNER, ESQ. [REDACTED]	X	

DATED: Hilo, Hawaii, July 5, 1995.

  
\_\_\_\_\_  
ALEY K. ADNA, JR.  
Deputy Attorney General



COPY

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

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

THIRD CIRCUIT OF THE  
STATE OF HAWAII  
FILED  
MAR 24 2 59 PM '95  
SANDRA LIM  
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  
)

) NOTICE OF FILING; SAFE FAMILY  
) HOME GUIDELINES REPORT;  
) EXHIBIT "A"; SERVICE PLAN AND  
) AGREEMENT; CERTIFICATE OF  
) SERVICE

) DATE: March 30, 1995  
) TIME: 9:30 a.m.  
) JUDGE: BEN H. GADDIS  
)

NOTICE OF FILING

Please take notice that the Notice of Filing; Safe Family Home Guidelines Report; Exhibit "A" and the Service Plan and Agreement dated March 13, 1995, and prepared by [REDACTED] [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, March 24, 1995.

*[Signature]*  
ALEY K. AUNA, JR.  
Deputy Attorney General  
Attorneys 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

)  
)  
)  
)  
) SAFE FAMILY HOME GUIDELINES  
) REPORT; EXHIBIT A;  
) SERVICE PLAN AND AGREEMENT

[REDACTED]  
[REDACTED]  
PETER KEMA, JR.

Born on May 1, 1991

Children under the age of  
eighteen years.

)  
)  
)  
)  
) JUDGE : BEN H. GADDIS  
) HEARING: MARCH 30, 1995  
) TIME : 9:30 A.M.

SAFE FAMILY HOME GUIDELINES REPORT

Date: March 13, 1995

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 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.

As discussed below, the Department of Human Services ("DHS") is using reasonable efforts to return [REDACTED] to the family home.

The following information concerns the current situation relevant to each of the 14 guidelines' criteria set forth in HRS 587-25. This report is intended to be reviewed in conjunction with each of the prior reports submitted in this case.

1. THE CURRENT FACTS RELATING TO THE CHILD WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILD.

[REDACTED]  
continue to live in the home of [REDACTED]

home is located in Kona.

Peter Kema, Jr. ("Peter Boy"), age three (3), returned to his family home in July, 1994. Peter Boy continues to live in the family home as of the date of this report along with other family members, Jaylin Kema ("Mother"), Peter Kema, Sr. ("Father"), father of Peter Boy and stepfather of [REDACTED]

[REDACTED] are in good health at the present time, and the [REDACTED] are doing well in their respective school and/or pre-school settings.

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR THREATENED HARM SUFFERED BY THE CHILD.

Please refer to prior court reports.

This social worker is not aware of any new incidents of physical harm suffered by any of [REDACTED]. The threat of emotional harm continues, however, due to the many aborted attempts at visitation for [REDACTED] with [REDACTED]. Father and Mother present at the times of the visits. This issue will be addressed further under SHG #5.

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)

Please refer to prior reports.

There has been no change in the out-of-home placements of any of [REDACTED] since this Department's Report to the Court dated August 4, 1993.

With continued conjoint therapy with [REDACTED] Father and Mother in attendance, in addition to follow through on regularly scheduled visitation, return of [REDACTED] to the family home is anticipated at the end of the current school year, i.e., June, 1995.

4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.

Please refer to prior reports.

During this reporting period, counseling sessions conducted by Christopher Barthel, III, Ph.D., have facilitated Mother's sharing with [REDACTED] the depth of the sexual abuse which Mother suffered as a young child while living in the home [REDACTED]. With this disclosure, a painful chapter in Mother's life has been shared, and the door opened to assist [REDACTED] in understanding why, perhaps, Mother has found it so difficult over the course of the last three and a half years to establish and facilitate a mutually supportive relationship between herself [REDACTED].

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

Please refer to prior reports.

In a report by Dr. Barthel dated March 4, 1995 (EXHIBIT "A"), he reports that he has seen Mother and Father on five occasions in the last four months. Four family sessions have taken place since January 8, 1995, with Mother, Father, [REDACTED] taking part in the first two, while [REDACTED] was unable to attend the third and fourth session. Dr. Barthel states, "But all in all, I have been encouraged by the joint 'ohana' meetings, even though I know that they are particularly difficult for Jaylin and Peter."

Dr. Barthel has, however, expressed his concern over the lack of visitations between [REDACTED] and [REDACTED] Mother and Father as follows:

"My response in individual sessions with Jaylin and Peter has been rather ferocious. My concern and care for them surely remains, but my frustration with their ineffective negativism has reached soaring heights....Of greatest concern to me are that [REDACTED] not be consistently disappointed and, most importantly, that the transition between West and East Hawaii be comfortable for all parties concerned and not the abrupt, tooth-extraction-process that Peter Jr. had to go through. [REDACTED] especially Peter Jr., [REDACTED] need to have

easy access to [REDACTED] who have provided them with love and familiar security for so many years."

With the break through of Jaylin's disclosure of sexual abuse at the hands of her uncle while living in the home of [REDACTED] continuing counseling sessions will focus on the owning of responsibility for each other's pain and, subsequently, taking the necessary steps to form a mutually supportive relationship between Mother, [REDACTED]. Without such a relationship, communication will continue to be difficult, and [REDACTED] will continue to suffer as the estrangement between Mother, [REDACTED] will make return of [REDACTED] to the family home difficult, if not impossible.

6. 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.

Please refer to prior reports.

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

Please refer to prior reports.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.

Although progress has been slow and long in coming, both Mother and Father are striving to make progress in the therapeutic process with [REDACTED] that [REDACTED] will, ultimately, be able to return to the family home. Until such time that [REDACTED] are together under the roof of the family home, verbal acknowledgments and apologies will be empty and have little effect upon [REDACTED]

9. WHETHER THE NON-PERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.

This social worker does not presently know whether or not there are any non-perpetrators living in the family home.

Mother and Father have provided a physically safe and nurturing home for Peter Boy since his return to the family

home in July, 1994. Peter Boy has been subject, however, to emotional harm in that contact with [REDACTED] [REDACTED] has been extremely limited.

Mother and Father have stated that they are ready to provide a safe, caring and nurturing home for [REDACTED]. However, until the relationship between Mother, Father, [REDACTED] is restored and regular visitations become the norm, rather than the exception, return of [REDACTED] to the family home would cause [REDACTED] to be the subjects of threatened emotional harm similar to that which Peter Boy has suffered because of the lack of regular contact with [REDACTED]

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

It is this social worker's belief that the relationship between Mother, Father, [REDACTED] is getting better. As stated in Dr. Barthel's letter, it is now imperative that nothing stand in the way of the initiation of regular visitations between [REDACTED]

Although Mother's disclosure has been difficult to accept and deal with, [REDACTED] has told this social worker that she wants to do everything possible to assist Mother's healing process and to facilitate the return of [REDACTED] to the family home at the earliest date possible.

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT ORDERED SERVICES. DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Mother and Father have participated in various services over the past four years in order to prepare themselves for the reunification of Peter Boy, [REDACTED] into the family home.

At the present time, Mother and Father are taking part in conjoint therapy with [REDACTED] in order to mend their relationship and facilitate future communication when [REDACTED] return to the family home. Part of this therapy process includes the commitment to the facilitation of regular visitation between [REDACTED]

Just as it took time for Mother and Father to enter into conjoint therapy with [REDACTED] it has taken time for Mother and Father to realize the importance of

a regular visitation schedule to facilitate the return of [REDACTED] to the family home. Under the guidance of Dr. Barthel, the parents have come to the realization that regular visitation for [REDACTED] child [REDACTED] is both needed and necessary. Mother and Father have, therefore, made a commitment to put forth a greater effort to facilitate these visitations in the next two and one half months so that family reunification can become a reality at the end of the current school year in June, 1995.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

Mother and Father are presently working on the final obstacles to reunification of [REDACTED] back into the family home, i.e., the rebuilding of the relationship between Mother, Father, [REDACTED] as well as the active pursuit of regular and consistent visitation between [REDACTED]

With the "safety net" of continuing contact and emotional support between Mother, Father, [REDACTED] in place, the family home will be ready for the return of [REDACTED]

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

As stated above, Mother and Father have been able to adequately parent Peter Boy in the areas of communication, child development and physical needs. There is continuing concern for Peter Boy's emotional need for regular ongoing contact with [REDACTED]. The same concern can be stated with reference to [REDACTED] return to the family home.

With their continued participation in therapeutic sessions with [REDACTED], as well as their renewed commitment to facilitate regular visitation between [REDACTED] Mother and Father are outwardly showing their realization of the emotional need of Peter Boy, [REDACTED] to have in-person contact with [REDACTED]. Actions, however, speak louder than words, i.e., regular and consistent visitations must commence immediately.

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

As has been said numerous times in the past, the journey has been a long one and the road to reunification filled with many rocks and potholes along the way. It would appear, however, that all of the parties are in the homestretch. With continued participation in conjoint therapy and a commitment to regular, consistent visitation, Mother, Father, [REDACTED] will be able to provide for the continued safety, care and nurturance of [REDACTED] both now and upon the return of [REDACTED] to the family home. Without such therapy and visitation, the reality of reunification of [REDACTED] into the family home will remain a distant goal which might never come into reality.

RECOMMENDATION

Based upon the aforementioned information, it is recommended to the Court by the Department of Human Services:

- 1) That Foster Custody of [REDACTED] to the DHS be continued;
- 2) That Family Supervision of Peter Kema, Jr. to the DHS be continued;
- 3) That the Service Plan and Agreement dated March 13, 1995 be ordered by the Court; and
- 4) For such other Orders as the Court may deem appropriate.

DATED: Hilo, Hawaii, \_\_\_\_\_ March 13, 1995. \_\_\_\_\_

Respectfully submitted,

[REDACTED]  
DHS Social Worker

I certify I have reviewed this document.

[REDACTED]  
Supervisor

7/24/95  
Date

Representing the Department of  
Human Services



CHRISTOPHER E. BARTHEL, III, Ph.D.

Psychologist, Hawaii Certified

P.O. Box 1811

Kamuela, Hawaii 96743

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

March 4, 1995

DHS-FW 410

'95 MAR -9 P1:28

[REDACTED], Social Worker  
DHS, Family and Adult Services Branch  
P. P. Box 1562  
Hilo, Hawaii 96720

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

Dear [REDACTED]

At your request, I am writing to give an account of my contacts with Jaylin and Peter Kema since my last report (dated December 9, 1994) and of the joint sessions that have occurred with Jaylin and Peter and Jaylin's [REDACTED]

[REDACTED] Since early December, I have seen [REDACTED] on five occasions alone. On January 8, 1995, we began joint "ohana" meetings, the first two involving both [REDACTED] the last two with [REDACTED] absent because of business conflicts.

As you know, I have been advocating joint family meetings for years in order to deal with interpersonal issues and to jointly develop visitation schedules. As the family counselor/facilitator in these endeavors over the past two months, I have come to realize that advocacy doesn't always translate into accomplished goals. Our meetings started off with considerable anxiety, particularly on Jaylin and Peter's part, but with [REDACTED] also acknowledging accumulated frustrations and hurt, especially after the hoped-for family get-togethers during the holidays were aborted by Jaylin's negative feelings. But as the initial meetings progressed, feelings and ideas were shared and positive steps were taken to begin to mend hurt feelings and to increase understanding.

At the second joint meeting on January 22nd, Jaylin courageously spoke of her sexual abuse as a child by her uncle and of the enduring effects of those experiences as she developed into her adolescence and young adulthood. More work needs to be done in this area, dealing especially with how Jaylin's feelings and behaviors today are linked with her abused status and with her feelings about [REDACTED] at the time of and since the abuse. But, rightfully so, we have postponed further discussion until [REDACTED] is available for the joint meetings. But all in all, I have been encouraged by the

**EXHIBIT A**

[REDACTED] Social Worker

Re: [REDACTED] & Kema Children

Page 2

March 4, 1995

joint "ohana" meetings, even though I know they are particularly difficult for Jaylin and Peter.

On the other hand, I have not been at all encouraged by the progress of visitations. We have essentially tried to plan visitations in three areas: (1) visits by [REDACTED] to East Hawaii, (2) visits by Peter, Jr. and [REDACTED] to West Hawaii, and (3) ohana gatherings of all eight members at agreed upon places. Although at least four visits have been planned, only one has taken place at Honokaa Park, without [REDACTED] being present. At this point, to my knowledge, [REDACTED] still has not seen Peter, Jr., since the boy's placement with the Kemas in late July. The failure of the aborted visitations falls mainly on the shoulders of Peter and Jaylin and has provided considerable frustration to the [REDACTED], to me, and, most importantly, to [REDACTED], particularly [REDACTED] whose disappointment has been keen.

Sometimes the reasons for the visits falling-through have been because of external, seemingly uncontrollable reasons: car failure, physical problems, poor finances, family crises with Peter's half-brother, [REDACTED]. Jaylin has had a back injury; Peter's doctor has him on Buspar for high anxiety. Underlying these external causes are more personally felt reasons, chiefly Jaylin and Peter's strong resentment over outside intervention, "forcing" them to interact when they feel so much anxiety and, at times, anger over the past. Of course, it was the young Kemas who were originally in favor of ho'oponopono or other group process to facilitate the return of [REDACTED]. But currently, emotions continue to run very deep with Jaylin and Peter and tend to mess up, I believe, the best laid plans of our ohana sessions. Peter can express the need that visits be "guarans" (i. e., guaranteed), but somehow between joint ohana meetings and actual visitations, things have been mostly changed and botched up, with visitations not occurring, with last-minute communications and no follow-through on Jaylin's part, much as in the past few years. Frustration reigns.

On the two occasions when I have seen Jaylin and Peter interacting with [REDACTED] and the visit at Honokaa Park when [REDACTED] visited together, I was very pleased to see the clear bonding between the Kema parents and [REDACTED]. To be sure, [REDACTED] were at times tentative, expressing their wishes to be with Jaylin and Peter

[REDACTED], Social Worker  
Re: [REDACTED] & Kema Children  
Page 3  
March 4, 1995

longer. At times wishes and disappointments of [REDACTED] have been poignant.

My response in individual sessions with Jaylin and Peter has been rather ferocious. My concern and care for them surely remains, but my frustration with their ineffective negativism has reached soaring heights. Perhaps I need a prescription for Buspar, as well. I am sure that some of my reactivity comes from the limited time that I have remaining to provide services: I leave the island for seven months in early May.

I know that we can develop highly frustrated views of Jaylin and Peter's actions concerning visitation. Of greatest concern to me are that [REDACTED] not be consistently disappointed and, most importantly, that the transition between West and East Hawaii be comfortable for all parties concerned and not the abrupt, tooth-extraction-process that Peter Jr. had to go through. [REDACTED], especially Peter Jr., [REDACTED], need to have easy access to the [REDACTED] who have provided them with love and familiar security for so many years.

I still have trust in Peter and Jaylin that they can provide love and guidance to [REDACTED]. But their periodic insensitivity to [REDACTED] needs and feelings regarding the [REDACTED] relationships with [REDACTED] and the West Hawaii environment (e. g., school, friends, activities) and regarding cancelled visitations frustrates me a great deal and worries me about their parenting abilities.

I plan to keep trying over the next 6 to 8 weeks and hope that we can come up with plans that can be implemented. I hope that all those concerned with this case will encourage Jaylin and Peter to follow through, for the sake of [REDACTED]. One strategy will be to increase the East Hawaii visitations, so that less responsibility will fall on the Kemas at least over the next month or so.

Please contact me if questions arise from this report.

Sincerely,



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