

DISTRICT: HAWAII SCHOOL: KAHAKAI

TEACHER: SAKATA

KINDERGARTEN INVENTORY OF DEVELOPMENTAL SKILLS (KIDS) PRE-TEST (MISSOURI NORMS)

TESTING AGE:



TEST DATE: 9-2-92

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SUB-TEST	MAX SCORE	PUPIL SCORE	NCE	% RANK	STANINE
NUMBER CONCEPT	18	11	====== 47	44	======== 5
AUDITORY SKILLS	20	10	34	27	5
PAPER/PENCIL SKILLS	23	7	28	15	5
LANGUAGE SKILLS	23	12	40	31	4
VISUAL SKILLS	27	12	46	43	5
GROSS MOTOR SKILLS	20	13	40	5.	<u></u>

(NCE = NORM CURVE EQUIVALENT)
VALIDITY SCALE:

AUDITORY MEMORY: VIBUAL MEMORY:

PEABODY PICTURE VOCABULARY TEST. - FORM L. (PPVT) PRE-TEST

TESTING AGE:



THET DATE: 9-2-92

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	AGE EQUIV	PUPIL SCORE	SSE	% RANK	STANINE
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PPVT	41	44	78	7	2

(SSE = STANDARD SCORE EQUIVALENT)

SUMMARY OF STANINE SCORES: PRE-TEST

	LOW				AVERAGE			HIGH			
TEST		1	2	3		4	5	6	7	8	9
NUMBER CONCEPT	;				:		· · · · · ·		:		
AUDITORY SKILLS	:				:			:	i		
PAPER/PENCIL SKILLS	;			ő				•	:		
LANGUAGE SKILLS	:				:	X		;			
VISUAL SKILLS	:				:		:	;	:		
GROSS MOTOR SKILLS	:				:		Y	;			
PPVT	:		¥		:				;		
									·		

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 12, 1993, a copy of the foregoing was duly served by the methods below to the following individuals:

	Hand Delivery	<u>U.S.Mail</u>
KRIS A. LaGUIRE, ESQ. Attorney for Mother	X	
CELIA A. URION, ESQ.		x
STEVEN D. STRAUSS, ESQ. Attorney for Father Peter	Kema, Sr.	х
EDITH K. RADL, ESQ. Guardian Ad Litem		х
PETER K. KUBOTA, ESO.		х

DATED: Hilo, Hawaii, May 14, 1993.

ALEY/K. AUNA, JR.

Deputy Attorney General

ROEHRIG, ROEHRIG, WILSON, HARA, SCHUTTE & DE SILVA
KRIS A. LaGUIRE 5399
Attorney At Law
101 Aupuni Street, Suite 124
Hilo, Hawaii 96720
Telephone: (808) 969-1441
Attorney for Mother Jaylin Kema

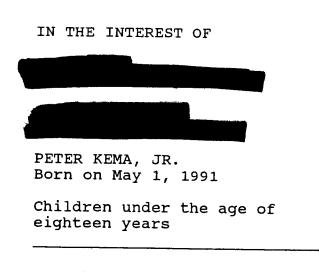
THEO DESCRIT COURT STATE OF HAWAII FILED HAY 24 10 11 AM '95 TAMANAHA

CLERK

STEVEN D. STRAUSS 5242
Attorney At Law
P.O. Box 11517
Hilo, Hawaii 96721
Telephone: (808) 969-9731
Attorney for Father Peter Kema, Sr.

IN THE FAMILY COURT OF THE THIRD CIRCUIT STATE OF HAWAII

)



FC-S Nos. 91-48

PARENTS' JOINT REVIEW HEARING STATEMENT; CERTIFICATE OF SERVICE

DATE: MAY 24, 1993 TIME: 10:00 A.M. JUDGE: BEN H. GADDIS

PARENTS' JOINT REVIEW HEARING STATEMENT

Comes now JAYLIN KEMA and PETER KEMA, SR., by and through their counsel, KRIS A. LaGUIRE and STEVEN D. STRAUSS, and hereby present their Joint Review Hearing Statement and inform the Court and the parties hereto as follows:

REUNIFICATION OF THE FAMILY

Jaylin Kema and Peter Kema seek to continue their efforts to reunify their family with the ultimate goal being the return of

peter, Jr.) to their family home in Hilo. The parents have made great strides in addressing their personal situations and are confident that they will be able to care for _______ in the near future.

Pending complete family reunification, parents propose the following visitation schedule which will alleviate the recent problems regarding visitation:

- 1. June 5-6, 1993 Kona
- 2. June 19-20, 1993 Hilo*
- 3. July 3-4, 1993 Kona
- 4. July 17-18, 1993 Hilo*
- 5. August 7-8, 1993 Kona
- 6. August 21-22, 1993 Hilo*
- 7. September 4-5, 1993 Kona
- 8. September 18-19, 1993 Hilo*
- 9. October 9-10, 1993 Kona
- 10. October 23-24, 1993 Hilo*
- 11. November 13-14, 1993 Kona
- 12. November 27-28, 1993 Hilo*

(*Parents seek to exercise unsupervised overnight visits in Hilo on the dates stated above. Parents believe that unsupervised overnight visits in Hilo will facilitate the reunification of the family and serve to develop stronger ties with

The primary concerns that parents have at this time relate to visits without parents involvement or

inclusion. In addition, parents do not wish to have any more visits with at the Hilo Bowling Alley because the atmosphere there is not conducive to a meaningful visit. Such visits should take place at a park or in the parent's home in conjunction with interests in seeing

Parents most recent visit with in Kona went very well and they anticipate continued improvement in their relationship with provided all parties cooperate in accomplishing these visitation goals.

DATED: Hilo, Hawaii, May 24, 1993.

KRIS A. LaGUIRE

Attorney for Mother

STEVEN D. STRAUSS Attorney for Father

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was duly served upon the following by hand-delivering a copy of same on May 24, 1993:

ALEY AUNA, ESQ.
Dept. of the Attorney General
101 Aupuni Street, PH-1014D
Hilo, Hawaii 96720
Attorney for DHS

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

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

EDITH KAWAI RADL Suite 260, Box 111333 Kamuela, Hawaii 96743 Guardian Ad Litem

> KRIS A. LaGUIRE STEVEN D. STRAUSS Attorneys for Parents

ROBERT A. MARKS 2163 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

Attorneys for the Department of Human Services

THE COURT TOURS

93 MAY 13 PH 3: 07

M. TSUJI · CLERK

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.

NOTICE OF FILING; REPORT-SAFE HOME GUIDELINES (HRS 587-40); SERVICE PLAN AND AGREEMENT; EXHIBITS "A" THROUGH "G"; CERTIFICATE OF SERVICE

DATE: May 24, 1993 TIME: 10:00 A.M.

BEN H. GADDIS JUDGE:

NOTICE OF FILING

Please take notice that the attached Notice of Filing; Report-Safe Home Guidelines; Service Plan and Agreement and Exhibits "A" through "G" dated May 10, 1993, and prepared by Social Worker for The Department of Human Services, is hereby submitted to the Court pursuant to §587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, May 13, 1993.

ALEY/K. AUNA, JR.

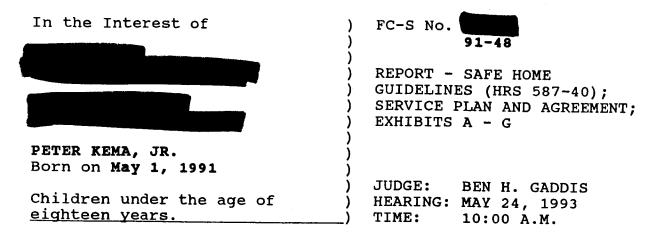
Deputy Attorney General Attorney for The Department of

Human Services

A CONFIDENTIAL REPORT OF THE DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII



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.

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

REPORT - SAFE HOME GUIDELINES (HRS 587-40)

Date: May 10, 1993

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.

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.

A. The age and the physical and mental vulnerability of

continues to reside with

Early in December, 1992, provided various certificates and awards indicating progress in school. was selected Student-of-the-Week for the week of October 26-30, 1992. (See attached "Exhibits A-F").

have continued to monitor health needs and provide medical check-ups as needed in addition to providing for day-to-day needs. To the best of this social worker's knowledge has not experienced any serious health problems since the last report to the Court.

in Kona. As with continue to monitor health needs and provide medical check-ups as needed in addition to providing for day-to-day needs. To the best of this social worker's knowledge, has not experienced any serious health problems since the last Report to the Court.

behaviors and verbalizations for any indications of possible guilt, on the child's part, with regard to the physical abuse which happened to brother, Peter Kema, Jr, in 1991. Should the need arise, will be provided with the necessary counselling services to deal with concerns in this area.

Peter Kema, Jr. became two (2) years of age on May 1, 1993, and continues to reside with in Kona. On November 18, 1992, took Peter, Jr. to Kona Hospital at 4:00 a.m. because he had a fever and sores in his throat. It was determined that the child had a virus and appropriate treatment was provided. To the best of this social worker's knowledge, the child has suffered no other serious health problems since the last Report to the Court.

During the past eight (8) months, Peter, Jr. has come to Hilo on several occasions to spend time with and other members of the family. These visits have, at times, caused pain to the child's mother in that she has not been informed that Peter, Jr. was in Hilo and she was not given to opportunity to visit with the child.

Upon investigating with the reasoning behind not notifying Mother of Peter Jr.'s visits to Hilo and affording her an opportunity to see the child, stated that many of the visits happened with little advanced notice and "there really wasn't time to work in a visit with the mother."

B. Whether are fearful of living in or returning to family home.

Each of have had periodic visits with Peter Kema Sr. ("Father") and Jaylin Acol-Kema ("Mother"). Due to pregnancy-related complications, visitations with their parents have had to take place on the Hilo side of the Big Island. These visitations have been supervised by various relatives and have taken place in these relatives' home. Mother reports that the in particular, has asked when will be coming back to Hilo to live in the family home. has been told that, hopefully, this will happen at some time in the future. Returning to the family home does not appear to be a pressing issue for any of and no fears have been expressed regarding such return. It appears to this social worker that conversations regarding returning to Hilo have been in the vein of reassuring that their parents have not forgotten about them.

C. How are bonded with the caretaker(s).

During the week of May 3, 1993, this social worker met individually with Mother and Father. When addressing the area of bonding, Mother demonstrated by her actions that she is deeply concerned about the and is bonded to provide the conversations, i.e., telephone conversations, spending quality time with the during visitations, and making efforts to buy age-appropriate gifts for

Father appears to be more bonded with Peter, Jr., which is to be expected in that he is the biological father of Peter, Jr. and step-father to

Father has shown support of his wife's commitment to adopt at some point in the future if that should become possible.

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 has no knowledge of any incidents of physical harm being suffered by any of since the time of the last court report. Were subjected to emotional harm on April 25, 1993, when Father refused to allow the to visit for the first time with their new looked forward to this visit since Mother had told them during an earlier morning visit in the park on the same day that they would be able to see later in the day.

On April 26, 1993, reported to the Kona DHS social worker that on April 25th, were upset and crying when returned to her car not having seen reported that, upon returning home to Kona, the first thing did was to run up to and tell him that had not yet seen

Information regarding and this particular incident will be discussed at length in Safe Home Guideline (SHG) #13.

3. <u>DATE(S) AND REASON FOR CHILD'S PLACEMENT OUT OF THE HOME, DESCRIPTION, APPROPRIATENESS, AND LOCATION OF THE PLACEMENT AND WHO HAS PLACEMENT RESPONSIBILITY.</u>

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

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.

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

No psychiatric/psychological evaluations have been administered to any family members since the time of the last Report to the Court.

On May 7, 1993, this social worker contacted Christopher Barthel, Ph.D., therapist for Mother and Father. Dr. Barthel stated that the couple has been making progress in dealing with issues surrounding their marital relationship as well as addressing concerns with regard to their individual lives.

During the individual meetings with Mother and Father, this social worker was able to observe the commitment of Mother and Father to each other as they discussed the ways in which they tried to verbally support each other, both in their married relationship as well as in their role as parents. This social worker was particularly impressed when Father was able to ask, at one point, that discussion regarding a particular subject stop as he felt that his anger might get out of control. Later on in the meeting conversation regarding this subject was completed.

Dr. Barthel and this social worker discussed at length the need for a tightly structured plan regarding, scheduled visitations between the parents and who live in in Kona. Dr. Barthel stated that he has heard numerous complaints from Mother and Father regarding the inconsistency as to the visitation schedule itself and the follow through with such a schedule on the part of the Likewise, this social worker has heard similar complaints from as to the inconsistency of visitation by the parents.

This social worker has contacted the various attorneys for the parents and asking them to meet with their clients, determine a visitation schedule which they are willing to commit to and bring the schedule, in writing, to the next Court hearing.

As mentioned under SHG #1, is being monitored by the with regard to any indication that she might be in need of therapeutic counselling services to deal with the past trauma in her life, in particular, being accused of harming per peter, Jr.

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 alleged perpetrator of the harm upon Peter, Jr. remains unknown.

During the course of an office visit on May 6, 1993, this social worker was talking with Father about another matter and he stated that, at the time of the injury to Peter, Jr., the child's leg was already bruised when he came home. No mention was made of the other extensive injuries which Peter, Jr. suffered.

During a meeting with Mother on May 4, 1993, she was equally evasive when it came to discussing how Peter, Jr.'s injuries had taken place.

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.

The DHS continues to consider each parent a perpetrator of harm at this time, whether by omission or commission. When asked by this social worker, Dr. Barthel stated that he had no additional input as to the identity of the alleged perpetrators of the harm upon Peter, Jr. and threatened harm upon

Mother became pregnant in June, 1992, and gave birth to a baby girl,

The pregnancy was a difficult one, and Mother experienced numerous health problems including a diabetic condition which made a period of hospitalization necessary prior to the birth of the problems caused by the pregnancy made it necessary for all visitations with Mother's to take place in Hilo as Mother was restricted from traveling to Kona.

Limitations were also imposed with regard to Mother's lifting capabilities which made it impossible for her to pick up Peter, Jr. and hold him on her lap. Another adult would have to pick up the child and place him in Mother's lap.

Immediately following her birth, was transported to Kapiolani Women and Children Center on Oahu in order to facilitate the administration of diagnostic services to determine whether or not the baby was suffering from diabetes and/or the extent of a possible heart murmur which was detected by the attending pediatrician at Hilo Hospital.

was released from Kapiolani on March 17, 1993, and Mother reports that was found to be a healthy, normal baby.

This social worker made arrangements for services to be provided to the parents through Family Support Services' (FSS) Mother Infant Support Team (MIST). Services were initiated on February 8, 1993.

Ms. Gloria Thompson, MIST member, was assigned to work with the family and reports that both Mother and are doing well. Ms. Thompson has expressed the concern that Father is often not at home during the times of her scheduled visits and that she has been unable to observe and assist Father in the use of appropriate parenting techniques with the new baby. At the time of the May 6th office visit, this social worker talked with Father about the role of the MIST and the necessity of his participation in services. Father stated that he was not aware of the fact that he, too, was to participate in services but that he would make a point of being at home for future visits by Ms. Thompson.

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

The relationship between Mother and continue to be a strained one. The has recently told Mother that she is welcome to come to Kona to visit and stay in the home. However, made it very clear that Father is not welcome to stay in the home.

In talking with Mother and Father during the week of May 3, 1993, this social worker was told that the couple have talked of whether they would want or would allow future contact between and the social worker home. Although initially wanting to totally restrict contact of any kind between and hother and Father acknowledge the fact that

have a right to communicate with

More importantly, Parents acknowledge the
fact that the children have become very attached to

since moving into their home in 1991, and the
fact that

need to be allowed regular contact with
for their own emotional health.

Father's family connections are few. Mother has told this social worker that Father is trying to rebuild some of the relationships with his family. Father has told this social worker that he prefers to leave things the way they are.

For the sake of this social worker will continue attempts to facilitate a more regular schedule of visitation between the and Parents. Part of this facilitation will require that Parents and sit down together at some point in the near future and work through their differences. This may need to be done with the help of a trained therapist. Ultimately, whether or not they are returned to the family home, should not be subjected to the "game playing" which is going on between Parents and

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.

Please refer to prior reports.

Since the last Court hearing on July 23, 1992, Mother and Father have attempted to comply with the various conditions of the Service Plan and Agreement dated March 31, 1992.

Father completed a substance abuse screening with the Castle Outpatient Alcoholism and Addictions Program on September 24, 1992. Outpatient Counselor, Christine Mock, CSAC, recommended that Father "remain abstinent, attend AA meetings, and consider seeking treatment." A copy of Ms. Mock's report dated September 29, 1992 is attached to this report and marked "Exhibit G."

Mr. Ron Byrum, counselor with the Alternatives to Violence (ATV) Program, contacted this social worker in October of 1992 at the request of Mother and Father. Mr. Byrum stated that Father had been actively participating in the ATV Men's Group and had completed the first sixteen weeks of a thirty week program.

During the recent meeting with this social worker, Mother stated that Father stopped going to ATV in February because he felt that it was no longer helping him in that he was not a "wife-beater." It was apparent to this social worker during a subsequent meeting with Father that he has acquired skills to deal with his anger and was able to implement these skills during the meeting. Efforts will be made to encourage Father to continue work in this area either through his regular therapy with Dr. Barthel or return to ATV.

In October, 1992, this social worker contacted Maria DelaSantos, parenting instructor for the Family Support Service, regarding information as to Mother's attendance. Ms. DelaSantos indicated that Mother participated sporadically during the course of the, then most recent, three blocks of parenting instructions; each individual block consisted of a seven week time period. Ms. DelaSantos stated that Mother attended four sessions in the first block, two sessions in the second block and two sessions in the third block. There are ten sessions in each block. Ms. DelaSantos stated that Mother had done well in the verbal sharing and written assignments in connection with the blocks which she had attended. Ms. DelaSantos went on to state, however, that Mother never called when she was unable to attend the parenting sessions. Mother had asked in early October, 1992, to be excused from the classes for indefinite period of time due to her pregnancy. Ms. DelaSantos stated that she told Mother that the classes would not be strenuous in nature and that the class content would be of benefit to her. Participation on the part of Mother did not increase.

Mother recently asked this social worker for the name of the person she needs to contact in order to get back into parenting classes. This social worker contacted Ms. Thompson from the MIST and Mother was instructed to once again contact Ms. DelaSantos at FSS. A new series of parenting classes will begin on May 17, 1993. Father has also been encouraged to attend this set of parenting classes along with Mother.

Periodic problems surrounding telephone contact between Mother and Father with have persisted especially regarding Peter Jr. Both parents state that when they ask to speak with Peter, Jr. they are often told that he is not at home but they can hear his voice in the background. The attached Service Plan and Agreement (SPA) will specifically state that Parents are to have telephone contact with on a regular basis.

In the past, the has indicated a difficulty in contacting Mother and/or Father because she was not given the Parent's home phone number. This is no longer the case; has Parents' home phone number at this time.

As stated in SHG #9, visitations between Parents and have been difficult in recent months due to Mother's pregnancy and the health concerns and limitations which surrounded it. The new baby was the place. This social worker regular visitation can again take place. This social worker recently contacted the attorneys for Mother, Father, requesting that the parties bring a written schedule of visitations to the next Court hearing. Mother and Father are to travel to Kona for a monthly visit, and are to bring to Hilo for a visit once a month. The attached SPA will lay out the protocol to be followed should changes need to be made to the written schedules of visits.

Through his welfare worker, Father is seeking all resources available to assist him in finding employment outside of the family home. With the birth of the care of a pregnant wife is no longer a need and Father is now able to seek employment outside the family home.

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

Recent meetings with Father and Mother have indicated to this social worker that the couple has, through therapy with Dr. Barthel, acquired insight and many of the skills necessary to allow their marital relationship to be a nurturing one for themselves and, in turn, to allow them to address their role as nurturers and caregivers to Talking to the parties individually demonstrated to this social worker that there are many areas which are yet to be addressed. particular concern is the need for Parents to address how they would find the time to meet the needs the rather than just one and how they would deal with the added stress of coping with having the family home twenty-four hours a day. However, Mother and Father have acquired communication skills which will assist them in dealing with these areas directly. Both Mother and Father have expressed to this social worker the conviction that they can better meet the needs of the because their own relationship is more healthy and stable than it was a year Both parents have made a commitment to ongoing participation in therapy so that this growth can continue.

Concerns with regard to safety issues within the family home are being addressed through active participation by the Parents with the MIST members. Parents are attempting to take one day at a time and hope that, in addition to assuring a safe, healthy home for their newest child, participation with MIST program will give them skills with which to more appropriately interact and provide for

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.

Both Mother and Father have verbalized to this social worker an understanding of the various needs of both the child in the care in the family home as well as living At times, however, immaturity on their part as well as past negative experiences have caused Parents to respond inappropriately to given situations.

On April 25, 1993, Father refused to allow the into the family apartment to see for the first time despite the fact that had been promised the visit. Dr. Barthel addressed this incident in a recent therapy session with the couple. Father was able to tell this social worker that he can now admit that he denied the right to see the because he was upset with the see that had a right to see this was "not right," and that

It is necessary for conjoint therapy to take place between Parents and in the near future so that, rather than seeing each other as adversaries, the families can work together for the sake of

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

This report has repeatedly indicated that Parents have made great strides in attaining the necessary skills and techniques so that they can communicate with each other in their marital relationship as well as dealing with their own "emotional baggage" from their individual childhoods. Through their ongoing commitment to regular therapy sessions, Parents have laid the "groundwork" to allow themselves to continue the

re-building of their relationship with who are living with the in Kona.

With the recent completion of a difficult pregnancy, Parents are in a position to actively facilitate visitation with the parents, who live in Kona, by traveling to Kona for the visits as well as visiting with the when they are brought to Hilo by the parents with skills and techniques will provide each of the parents with skills and techniques to better address the needs of all of the parents with skills and techniques to better address the needs of all of the parents involved with the various MIST members and both parents have agreed to attend and actively participate in the parenting program offered through FSS.

Finally, both Parents and will be encouraged to consider and begin participation in conjoint therapeutic services aimed at re-building a working relationship among these four adults so that they can more adequately and appropriately meet the needs of each of

RECOMMENDATION

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

- 1) That Foster Custody of Peter Kema, Jr. to the DHS be continued; and
- 2) That the attached Services Plan and Agreement dated May 10, 1993 be ordered by the Court.

DATED: Hilo, Hawaii, May 10, 1993

Respectfully submitted,

DHS Social Worker

I certify I have reviewed this document.

Supervisor Date

Representing the Department of Human Services

Child Welfare Services II

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

SERVICE PLAN AND AGREEMENT

Date: May 10, 1993

Children's name: DOB: DOB: FC-S No.:

е

Kema, Peter Jr. 05/01/91

91-48

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

I. REASON FOR AGENCY INVOLVEMENT:

on May 8, 1991, a report of physical abuse to was received by Child Protective Services in Kona. Subsequent investigation confirmed physical abuse to and identified Mr. Peter Kema, Sr., Ms. Kema's husband and the father of Peter Kema, Jr., as the perpetrator of harm to The physical abuse appeared to be "over discipline" which occurred while Mother was hospitalized with the birth of her third child, Peter, Jr.

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, were taken into foster custody by DHS. The explanations offered by Mr. and Mrs. Kema did not satisfactorily explain the injuries.

This Service Plan and Agreement is intended to reduce the family stress, the risk of harm to and work toward reunification of with the family. 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, and May 10, 1993.

II. GOAL:

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

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

III. OBJECTIVES:

TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION

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

TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/ RELATIONSHIP SKILLS

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

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

TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS

TO CONTINUE TO MAINTAIN AN ENVIRONMENT FREE OF SUBSTANCE ABUSE

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

- A. MR. PETER KEMA, father, and MRS. JAYLIN KEMA, mother will:
 - 1. Continue to maintain contact with
 - calls to the work place of are not acceptable except in extreme emergency (auto accident, hospitalization, arrest, etc.)

Note: The parents are to be allowed to talk with and Peter Jr.

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

- c. Each call to the should be short (2 to 5 minutes, an oven timer may be used as a time reminder) and positive (the caretakers may interrupt or end a call if become upset).
 - d. Conversations between the parents and the concerning visits, or problems, or disagreements, etc., should be separated from contact with should not overhear or be affected by the adult conversations. Visits are to be arranged with the adults only, not through

e. Visiting

- 1) Parents will follow the written schedule of agreed upon visitations for the months of June, July and August, 1993, which are to be submitted to the DHS social worker on 05/24/93.
- Visits are to take place on the scheduled weekends between 12:00 noon on Friday and 12:00 noon on Saturday.

Note: Supervision for Kona visits to be worked out between caretakers-

- Jet unable to keep scheduled visit, parents are to contact DHS social worker by 12:00 noon on the Tuesday before the scheduled visitation in Kona.

 DHS social worker will notify the caretakers of visitation cancellation.
- f. Visiting with anxieties about their parents, and maintaining a predictable, ongoing, nurturing relationship between and parents. Visits, and telephone contacts are at the discretion of DHS, and may be increased, decreased, suspended, or otherwise changed by DHS to meet needs, or to protect them.

- Continue to participate in counselling with Dr. Kit Barthel, Ph.D.:
 - a. Continue to attend and participate in counselling as arranged by therapist.
 - b. Do not miss any sessions without express approval of the therapist.
 - c. Recommended focus of treatment to include:
 - 1) Joint decision making skills;
 - 2) Learning to respect each other's views and positions;
 - Active listening;
 - 4) Agreed upon parenting/child management techniques and limits;
 - 5) Treatment of biological vs. ster children;
 - Trust, jealousy;
 - 7) Anger management techniques;
 - 8) Resolution of Peter Jr.'s physical abuse;
 - 9) Other areas as assessed by therapist and agreed to by DHS and the GAL.
 - d. Continue in treatment until clinically discharged, or by order of the court.
 - e. Provide the DHS with written verification of attendance and participation in counselling, as requested by the DHS.
 - f. Demonstrate to the satisfaction of the DHS, the therapist, and the GAL an adequate understanding and utilization of the skills developed in counselling.
- 3. Continue to participate in and successfully complete MIST program at Family Support Services.
 - a. Not miss any session of the program without prior approval of the particular worker conducting the session.

- b. Provide the DHS social worker with written proof of successful completion of the program.
- c. Demonstrate an adequate understanding and utilization of skills developed in the MIST program.
- 4. Allow MIST program workers to share information regarding progress in the various phases of the program when requested.
- 5. Make arrangements with Family Support Services to attend and participate in a parenting program.
 - a. Not miss any session of the program without prior approval of the program coordinator.
 - b. Provide the DHS social worker with written proof of successful completion of the program.
- 6. Continue to maintain an environment free from substance abuse.
 - a. Agree to random urinalysis if requested by both the DHS and the GAL, based on behavioral observations and/or sufficient collateral information to suspect substance abuse which may be impairing the parents' ability to provide a safe environment for
- 7. Continue to not use any physical discipline with
- 8. Maintain regular contact with the DHS to discuss problems and progress with this Service Plan.
 - a. Advise the DHS social worker of any major changes, such as address, phone number, who lives in the home, medical problems, arrests, etc. within 48 hours of their occurrence.
- 9. Allow DHS access to such medical, psychiatric, and psychological information as is considered necessary to arrange appropriate services, and as ordered by the court.

B. MR. PETER KEMA, father, will:

- Seek and maintain employment.
 - a. Make enough money to pay rent, utilities and other essential bills sufficient to maintain housing adequate for yourself, your wife and
 - b. If disabled, pursue treatment recommended to overcome or compensate for the identified disability.
- Cooperate with the DHS in making an assessment as to the possible continued need for further services from Alternatives to Violence. (ATV)
 - a. Obtain written assessment from ATV stating whether or not continued attendance is indicated; provide letter to DHS no later than June 15, 1993.
 - b. If indicated in assessment letter, Father will return to ATV sessions until clinically discharged.

C. The DHS will:

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

- V. <u>SPECIFIC STEPS TO ACHIEVE OBJECTIVES/RESPONSIBILITIES OF THE FOSTER PARENTS/CARETAKERS:</u>
 - A. .
 - 1. Maintain confidentiality with regards to family and the abuse they have suffered, as far as you are able.
 - 2. Continue to transport and Peter, Jr., to and from the doctor's office for routine and recommended therapy or examinations.
 - Jaylin and Peter by visiting, writing, phone calls, pictures, etc. subject to the approval of the DHS social worker in consultation with the GAL if necessary.
 - 4. Continue to establish clear rules for and follow up with fair and consistent positive and negative consequences.
 - 5. Continue to keep the social worker informed of any changes and new developments in situation.
 - 6. Provide and monitor visits, as approved by the DHS and the GAL, so far as you are able; so long as this does not present a danger to your family.
 - a. Caretakers will follow the written schedule of agreed upon visitations for the months of June, July and August, 1993, which are to be submitted to the DHS social worker on 05/24/93.
 - b. Time frame for weekend visitations in Hilo are to be finalized with the DHS social worker on the Tuesday preceding the scheduled visitation weekend; DHS social worker will relay information to the parents.
 - c. If unable to keep scheduled weekend visit, caretakers are to contact DHS social worker by 12:00 noon on the Tuesday before the scheduled visitation in Hilo. Arrangements for an alternate visitation weekend will be made at that time.

- 7. Inform the DHS social worker, as soon as possible, each time arrangements are made for Peter Kema Jr. to be brought to Hilo to visit the parents during of a visit for the child with the parents during the time Peter Jr. is in Hilo.
- 8. Continue to provide positive role modeling.
- 9. Maintain a neutral and fair attitude with respect to the issue of reunification or permanency planning.

caretakers are to take special care that negative conversation and/or comments regarding biological parents is not done within hearing range of at any time. Caretakers are to encourage other members of their household to exercise like caution and restraint when talking about parents.

10. Continue the visits between

VI. ANCILLARY RESOURCES:

- A. Dr. Kit Barthel, Ph.D. 1811 Kamuela Kamuela, HI 96743 Phone: 961-2525
- B. Family Support Services:
 MIST/Parenting Classes
 165 Keawe Street
 Hilo, HI 96720
 Phone: 961-3877
- C. Alternatives to Violence P.O. Box 10488
 Hilo, HI 96721
 Phone: 969-7798

VII. CONSEQUENCES:

A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY IF YOU FAIL TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS SERVICE PLAN.

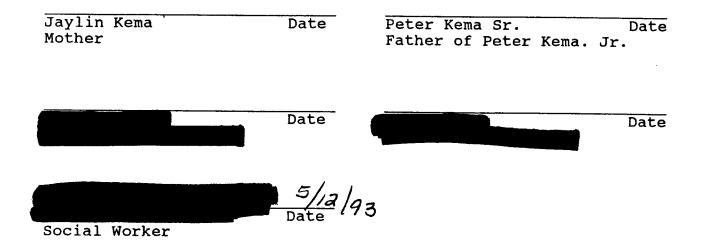
- B. If Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide the peter Kema, Jr. with a safe family home as are set forth in this service plan, the DHS will consider recommending a revised Service Plan addressing the reunification of the peter Kema, Jr. with a safe family to the peter Kema, Jr. with a safe family 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 Peter Kema, Jr. with a safe family home as are set forth in this service plan, the DHS may take or recommend such action as is deemed necessary to protect in 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.



I certify I have reviewed this document.

Date

Supervisor Child Welfare Services II

Representing the Department of Human Services



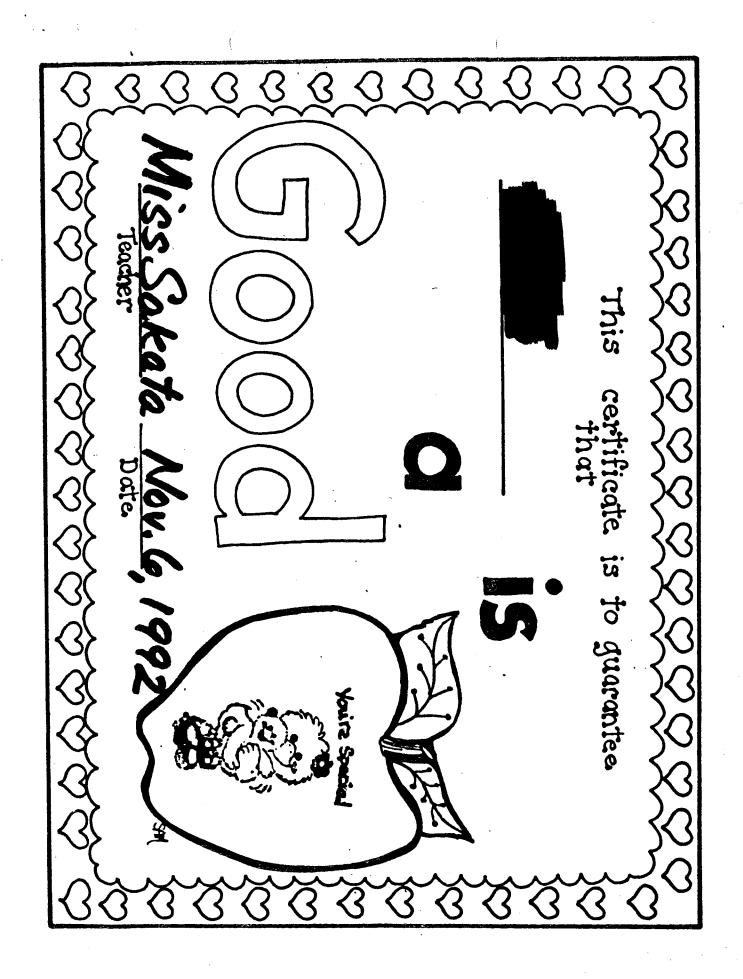
STATE OF HAWAII DEPARTMENT OF EDUCATION KAHAKAI ELEMENTARY SCHOOL

78-147 ROYAL POINCIANA DRIVE KAILUA-KONA, HAWAII 98740

October 26, 1992

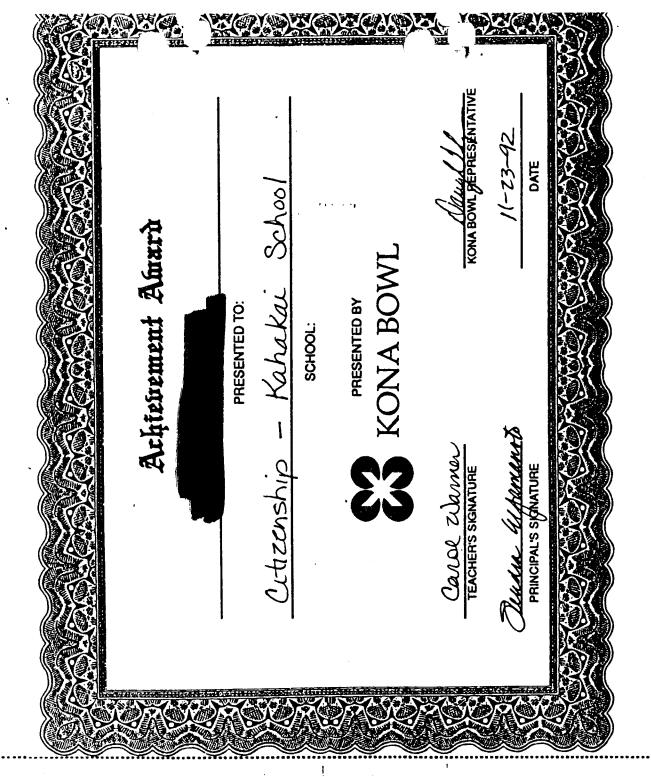
Teacher Miss Carollyn Sakata

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Instant Information for Parents From __Miss Sakata Strengths ... -very good natured -cooperative -willing to try - fine motor skills -basics Follow up Teacher Concerns Parent concerns

Teacher: Use this form with the ideas on pages 12 and 14.



COUPON

Achievement Award

THIS CERTIFICATE ENTITLES YOU TO BE OUR GUEST FOR ONE FREE GAME OF BOWLING

(SHOES INCLUDED)

EXPIRES DECEMBER 30, 19

COMPLIMENTS OF

Kona Bowl

Above Lanihau Center GOOD ONLY MONDAY - SUNDAY 8:20 AM - 5:20 PM NOT GOOD FOR LEAGUE PLAY



3986

MARGERY S. BRONSTER 4750 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

In the Interest of

THIRD CIRCUIT OCUME STATE OF HAWAII FILED

OCT 25 | 10 PM 'S5 H. TAMANAHA

Clark, Third Circuit Court, State of Flawaii

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

FC-S NO.

) 91-48
	ORDER RE: CHAPTER 587, H.R.S., AS AMENDED
ETER KEMA, JR. orn on May 1, 1991)) HEARING: October 19, 1995) HONORABLE BEN H. GADDIS
ORDER RE: CHAPTER	587, H.R.S., AS AMENDED
	or individuals were present:
JAYLIN KEMA KRIS LAGUIRE PETER KEMA, SR. STEVEN STRAUSS JOHN WAGNER EDITH KAWAI ALEY K. AUNA, JR. PETER KUBOTA Arighter Wilson	, Mother;, Counsel for Mother;, Father of Kema Child;, Counsel for Mr. Kema;, Father of Child;, Guardian Ad Litem(via tlephone);, DHS Social Worker:
1	e not present at the hearing: , who was/were
represented by counsel;	,
	I hereby certify that this is a full, true a correct copy of the original on file in this of

pert fam:	Based upon the ly considered al taining to the gui ily is willing an ily home, the Cou	l relevant delines for d nd able to m	prior and determining provide	current whether	informa	ation
X	wit a service plan;	amily is pre h a safe fam	sently willi ily home wit	ing and abl hout the a	e to pro ssistano	ovide ce of
\rightarrow	wit service plan;	amily is pre th a safe fam	sently willi ily home wi	ing and abl th the ass	e to pro istance	vide of a
\times	Each party under able to provide reasonable peri custodial duties	the child word of time,	vith a safe their res	family ho pective n	me with	in a
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X						;
caus	Based upon the force appearing there	eregoing cons	derations	and findin	gs, and	good
	IT IS HEREBY ORD	ERED, ADJUDO	ED AND DECR	EED that:		
*	The prior awar jurisdiction is	d of famil terminated;	y supervis	ion is r	evoked	and
*	The following ex part of the recripht to cross-e	ora, provide	ed that the	o evidence parties	and ma reserve	de a the
	_ 0	HS Safe Fami ctober 10, Soci	1995, pr	idelines R epared by	eport d	ated
	State's				·	
	State's					 ;
2	The prior award	of family su	pervision i	s continue	d;	

ξ ,	
3	All prior consistent orders shall remain in full force and effect until further order of the Court;
4	A continued review hearing shall be held on October 30 1995, at 9:00 p.m., before the Honorable Ben H. Gaddis
5	Mother Ball allow reasonable telephone visitations between-
6	Actual and the former shall attend the Children's First program on them and the and his being the children in Transfer
$\frac{1}{\sqrt{1}}$	program in Hilo:
\	· · · · · · · · · · · · · · · · · · ·
	DATED: Hilo, Hawaii, OCT 2 5 1935
	BEN H. GADDIS - SELLE
APPR	JUDGE OF THE ABOVE-ENTITING COURT
	the the organisation

DEPT. OF HUMAN SERVICES Family & Adult Services Division

EDITH KAWAI RADL
ATTORNEY AT LAW

Suite 260, Box 111333 Kamuela, Hawaii 96743

Telephone: (808) 885-0788

EH Social Services Section Hilo, Hawaii

MAY 20 1993

TRANSMITTAL MEMORANDUM

TO: Aley K. Auna, Esq. Peter K. Kubota, Esq. Celia A. Urion, Esq. Steven D. Strauss, Esq. Kris A. Laguire, Esq.

SW

FR:

EDITH KAWAI RADL

DATE:

17 May 1993

RE: In the Interest of

FC-S Nos. and 91-48

and PETER KEMA, Jr.,

We are sending you:

ORIG. COPIES DATED DESCRIPTION

1 5/17/93 Report of the Guardian Ad Litem

COURTESY COPY

()	For Judge's signature For filing For your files Per your request For necessary action	 () For signature and retr () For signature, forwar as noted below & return () For review & comment () For distribution

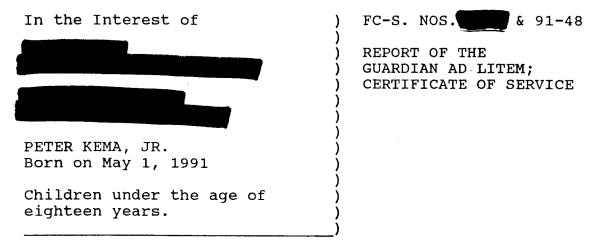
REMARKS:

EDITH KAWAI RADL 4631-0 ATTORNEY AT LAW Suite 260 Box 111333 Kamuela, HI 96743 Tel: (808) 885-0788

Guardian Ad Litem

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII



FIRST REPORT OF THE GUARDIAN AD LITEM

COMES NOW EDITH KAWAI RADL, your guardian ad litem, and hereby submits the following report:

We are fast approaching the two-year bench mark in this matter.

continue to stay in foster placement in Kailua-Kona with

are doing exceptionally well in placement.

provides child care during the daytime hours for Peter.

During the last two review periods, the focus of the worker and the guardian ad litem has been to ensure visitation for the parents with

The matter is complicated by two factors: (1) live on the other side of the island and (2) the apparent rift between Jaylin and Peter Kema and

The difficulties which existed in the telephone visitation area seem to have been worked out with minor bumps. The actual physical visitation has improved to some degree but it is clear that not everyone is pleased with the situation as it is.

The parents have had serious difficulties with their own transportation. Thus, because the Department does not transport, the parents have had to rely on the cooperation, good graces, and financial ability of to transport to the Hilo. Within the last six months, Peter's sister, Leanne, has also been a resource for transportation and supervision of visitation. There are still difficulties in arrangements, coordinating, notice and confirmation of visits and the like. I believe that the worker's intent to work with both parties in order to solidify schedules and the like will help to more easily facilitate visitations.

The Kemas have had a new baby since the last hearing. Although this child is not in the case, indicates that MIST is working closely with Mr. and Mrs. Kema. The infant is doing well.

It is my understanding that difficulties with regular fulltime employment are still a concern for Peter Kema. He has been in touch with the concern on this issue.

I do not believe that the parents are attending parenting classes. The MIST program should offer useful information for as well as the infant.

Both Peter and Jaylin continue to meet with Dr. Barthel on a fairly routine basis. They have a very good trust relationship

with the doctor and his assistance is accepted by both Peter and Jaylin.

Recently, there was some difficulty during a visitation.

brought over and wanted to see their baby sister. took over to the Kema's apartment. Jaylin informed that Peter did not want her in the apartment. When went to the apartment, Peter would not allow them to see the baby either.

left very upset.

Peter later explained to that he was concerned that would have been unsupervised up in the apartment. He was very sorry for the upset caused to He was also somewhat suspicious of actions because she is perceived by Peter to be the person who turned them in. I am aware that Peter and Jaylin had a session with Dr. Barthel on this issue and that it has been "dealt" with. Also, indicated to me that Peter had called and apologized to

I went to visit with the recently and found them to be more lively and friendly than ever.

Were going to be spending the night with their dad. Although Peter had been to the doctor that day for respiratory problems, he was in fine humor. Showed me his recent report card. His marks and the comments from his teacher were sterling.

Stays home with and Peter Boy during the day. I had the pleasure of reading book after book with and even Peter Boy. All participated

with the pictures and story lines. It's clear that books are very much a part of their lives.

While I believe that visitation is very important for I also feel that we must all take a very close hard look at the future. We need to know whether or not this couple will ever be able to handle - manage - parent I lead to be believe that Jaylin wants back, her as well as Peter Boy. Although a little more than a year remains before the three year period elapses, we should try to be realistic and perhaps structure an arrangement which will allow the family bonds to remain strong while providing for the support system which will be in the best interests of

DATED: KAMUELA, HAWAII, ___17 May 1993.

EDITH KAWAI RADL GUARDIAN AD LITEM

CERTIFICATE OF SERVICE

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

ALEY AUNA, ESQ. Dept. of Attorney General 101 Aupuni Street, PH - 1014D Hilo, Hawaii 96720

Attorney for DHS

PETER K. KUBOTA, ESQ. CASE AND LYNCH 275 Ponahawai Street. Suite 201 Hilo, HI 96720

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

STEVEN D. STRAUSS, ESQ. Attorney At Law P O Box 11517 Hilo, Hawaii 96720 Attorney for Peter Kema, Jr.

KRIS A. LAGUIRE, ESQ. Attorney at Law Roehrig Roehrig Wilson Hara Schutte and De Silva 101 Aupuni Street, Ste 124 Hilo, HI 96720

Attorney for Jaylin Kema DATED: KAMUELA, HAWAII,

May 17, 1993.

EDITH KAWAI RADI

CARLSMITH BALL WICHMAN CASE & ICHIKI

ROBERT D. TRIANTOS 2549-0 PETER K. KUBOTA 5070-0 121 Waianuenue Avenue Hilo, Hawaii 96720

Telephone No. (808) 935-6644

Attorneys for Petitioners

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

) FC-M No
Petitioners,	
,) PETITION FOR REASONABLE
VS.	WIGHT ATION BLOWER
) VISITATION RIGHTS; NOTICE OF) HEARING; CERTIFICATE OF SERVICE
PETER KEMA AND JAYLIN KEMA,) TILARDING, CERTIFICATE OF SERVICE
) HEADNIG DATE E'L OLL OF 1005
Respondents.	HEARING DATE: Friday, October 27, 1995
respondents.) HEARING TIME: 8:30 A.M.
	_) JUDGE: BEN H. GADDIS
	PETITION
<u>FOR REASONABL</u>	E VISITATION RIGHTS
Petitioners by	and through their counsel Carlsmith Ball Wichman
	•
Case & Ichiki, hereby petition this Court for a	an order establishing reasonable visitation rights
	The state of the s
of	
	PETER KEMA, JR., born on May 1, 1991
	This petition is brought pursuant to Haw. Rev. Stat.

§571-46.3, and will be based upon the testimony of the Petitioners and their witnesses at the hearing of said petition, and the records and files of Child Protective Services cases entitled <u>In the Interest</u>

Family Court of the Third Circuit, and In the Interest of Peter Kema, Jr. born on May 1, 1991, FC-S No. 91-48, Family Court of the Third Circuit. Petitioners request that this Court enter an order against Respondents Jaylin Kema and Peter Kema, establishing reasonable visitation rights

Peter Kema, Jr., with

I. INTRODUCTION:

This Court is familiar with the parties to this action. The are the subject of the above-referenced CPS proceedings, and were placed in the foster care as a a result of varying degrees of physical abuse suffered by During the foster custody of the DHS Social Workers, therapists, school personnel, and the Guardian Ad Litem have consistently reported that the were happy, well loved, and were motivated to perform well in school. The family home of Jaylin and Peter Kema in June, 1995. Peter Jr. had returned to the family home in July, 1994, after spending about 3 years in the care of the At present, Jaylin Kema and Peter Kema, Sr. have prevented from contact with Jaylin and Peter Kema have taken out of the home at the time of scheduled telephone calls, or have disallowed from answering the phone. Further Jaylin and Peter have consistently failed to bring the children for scheduled visitation in person with

II. RECOMMENDATIONS OF THERAPISTS AND GUARDIAN AD LITEM:

As part of the plan to reunite to the family home, DHS, the Guardian Ad Litem, and the therapists for and Jaylin and Peter all recommended that visitation with was very important and in the best interest of Guardian Ad Litem Edith Radl reported: Some concerns have been raised regarding visitation again. Contacted me regarding visits. said that tried to set up something but wasn't getting cooperation from Jaylin. also stated that hadn't heard from by phone either for several weeks. I raised this issue with Jaylin during my visit. have a right to visit. I am fully aware that the need to settle in now but need to be able to visit and talk story with for almost four years. It would not be in best interests to cut off contact or to make contact difficult. Report of the Guardian Ad Litem filed on July 12, 1995 in FC-S No. and 91-48 (emphasis added). The psychologist treating also concurred that visitation with is in the best interests of As you already know, 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 best interests that they be able to have regular visitations with their family in Kona. A disruption in the contact with and aunty would be especially disruptive to their continued development of internal security, stability, and cohesiveness. I think that we already had an example of how emotional developments were jeopardized when they did not have consistent contact with their brother; 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 development. I hope that Mr. and Mrs.

are able to work out a way for visitations to occur so

needs can be met and so that can experience adults as

Kema and

being reliable and sensitive to their needs.

Report of Terry Ann Fujioka, Ph.D. dated June 12, 1995, attached as Exhibit "A" to the Safe Home Family Guidelines Report filed on July 5, 1995 in FC-S No. and 91-48. Jaylin and Peter purport to recognize that it is in the best interests of to maintain visitations with and have made agreements for visitation directly with or through Jaylin's counsel in the CPS proceedings. However, for numerous and creative reasons, the Kemas have consistently failed to honor their agreements. Each time the visits are neglected, suffer. Dr. Christopher Barthel reported as follows:

On the other hand, I have not been at all encouraged by the progress of visitations. . . . At this point, to my knowledge, statistill 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 to me, and most importantly, to particularly whose disappointment has been keen.

I know that we can develop highly frustrated views of Jaylin and Peter's actions concerning visitation. Of greatest concern to me are that 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. The children, especially Peter, Jr., where the 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 But their periodic insensitivity to needs and feelings regarding relationships with 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.

Report of Christopher Barthel, III, Ph.D. dated March 4, 1995, attached as Exhibit "A" to the Safe Home Family Guidelines Report filed on March 24, 1995 in FC-S and 91-48.

III. ARE ENTITLED TO VISITATION UNDER LAW

Haw. Rev. Stat. §571-46.3 sets forth the process by which can obtain an order establishing their reasonable visitation rights with the statute clearly provides this right. As provided in the statute, this Court can award reasonable visitation to the following criteria are met:

- (1) This State is the home state of the child at the time of the commencement of the proceeding;
- (2) Reasonable visitation rights are in the best interest of the child; and
- (3) Either or both of the child's parents are deceased, or the child's parents are divorced or residing separate and apart.

Haw. Rev. Stat. §571-46.3. As evidenced by the reports of the therapists involved in the CPS case and recommended by the Guardian Ad Litem, it is in the best interests of to have continued visitation with who furnished them the care and support which the natural parents were unable to give at the time. Petitioners will further provide evidence of the positive effects on the during their years in the care of in Kona. Finally, with regard for the their natural parents are residing separate and apart.

They were never married to each other, and presently are married to other spouses. They were never resides in Kona, and Ms. Kema resides in Nanawale Estates.

Petitioners are aware that a literal application of Haw. Rev. Stat. §571-46.3 would not include Peter, Jr. or as falling under the express provisions of the statute, as their natural parents (Jaylin and Peter Kema) are married and residing together. However, which to

treat all of with equal love and affection, as all are part of their family. Visitation rights of are further provided for in HRS §571-46(7) which does not restrict such rights to situations where parents are divorced or separated. therefore request that this Court grant them reasonable visitation with Peter, Jr. and on the grounds that such visitation is in their best interests as well.

IV. CONCLUSION

CARLSMITH BALL WICHMAN CASE & ICHIKI

ETER K. KUBOTA

Attorney for

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

-)	FC-M No
Petitioners,)	NOTICE OF HEARING
vs.)	
PETER KEMA AND JAYLIN KEMA,)	
Respondents.)	
	_)	

NOTICE OF HEARING

TO: Peter Kema, Jr c/o Steven Strauss, Esq. P.O. Box 11517 Hilo, Hawaii 96721

Jaylin Kema. c/o Kris Laguire, Esq. 101 Aupuni Street, Suite 124 Hilo, Hawaii 96720

c/o John Wagner, Esq. 101 Aupuni Street Suite 1001-A Hilo, Hawaii 96720

NOTICE IS HEREBY GIVEN that

Petition for Reasonable

Visitation Rights shall come on for hearing before the Honorable Ben H. Gaddis, Judge of the above-entitled Court, in his courtroom, 345 Kekuanaoa Street, Hilo, Hawaii, at 8:30 o'clock A.M. on Friday, October 27, 1995, or as soon thereafter as counsel can be heard.

DATED:

Hilo, Hawaii, <u>DCTBBO 18199</u>S

PETER K. KUBOTA

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was duly served upon the following parties by facsimile transmission to the following persons on October 18, 1995, and by hand delivery on October 19, 1995.

Peter Kema, Jr. c/o Steven Strauss, Esq. P.O. Box 11517 Hilo, Hawaii 96721

Jaylin Kema c/o Kris Laguire, Esq. 101 Aupuni Street Suite 124 Hilo, Hawaii 96720

c/o John Wagner, Esq. 101 Aupuni Street Suite 1001-A Hilo, Hawaii 96720

Dated: Hilo, Hawaii, DTDBER 18 1995

PETER K. KUBOTA

Attorney for

LOG OF CONTACTS - NARRATIVE - DISPLAY 04/20/94 KFHCD521 15:35:22.3

CASE NAME KEMA, JAYLIN STATUS ACTIVE CASE NO 00010780 DATE 04/20/1994 TIME 14:15 LOG
TYPE OF CONTACT TCF WORKER NOTATION SONNY KINNEY -----

LOG SIZE PAGE

NARRATIVE ACCOUNT

SW REC'D CALL FROM SONNY KINNEY - CONCERNED RE: HO'OPONOPONO PROCESS WITH JAYLIN AND CONFLICT OF ROLES INVOLVING SOLOMON COLBURN. STATED THAT SOLOMON IS NOT TRAINED TO DO HO'OPONOPONO AND THAT THE PROCESS IS GOING TO TAKE TIME. SONNY TO CLARIFY SITUATION SOLOMON; WILL ALSO CONFERENCE WITH KIT BARTHEL.

AFTER ONE APPOINTMENT WITH JAYLIN, SONNY IS CONCERNED ABOUT THE FOLLOWING: 1. JAYLIN'S PERCEPTION OF THE PROBLEM, IE., WILL NOT GIVE THE CHILDREN BACK/NO MENTION OF CPS

- 2. TALKED ONLY ABOUT - NO MENTION MADE ABOUT PETER JR.
- 3. JAYLIN DID NOT SEEM APPROPRIATELY DEMONSTRATIVE REGARDING HER CONCERN OF BEING OUT OF HER CARE FOR SO LONG
- 4. QUESTIONED WHETHER OR NOT JAYLIN HAD BEEN ABUSED BY HUSBAND OCCASIONED BY THE COMMENTS MADE BY JAYLIN DURING INITIAL MEETING. NEXT MEETING SCHEDULED FOR 4/21/94 AT 10:00 A.M.-IF NO SHOW/CALL SW

NEXT CD52 KEY END DATA 4BÜ B0--SESSION1 R 24 C 7 0-001 19:59 4/20/94 INTERNAL

COMMUNICATION FORM

DEPARTMENT OF HUMAN SERVICES

DEPT. OF HUMAN SERVICES Family & Adult Services Division

Suspense

1 1994 M'

EH Social Services Section Hilo, Hawaii

DHS-PW-HILD

Subject: KEMA CASE 10780

Originator:



To:

EHSSSA

From:

WHFASSA

WHCMU (24)

Date: 06/29/94 Memo No. 1

EHCWS II (70)

Attn:

ACTION:

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> Supervisor WHCMU 24

Approved by:

west Hawaii Family and Adult Services Section Administrator

Attachment

PLEASE DQ NOT STAPLE 'N THIS AREA STATE OF HAWAII CPS P O BOX 230 CAPT. COOK HI 96704

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INTERNAL

Suspense

COMMUNICATION FORM

DEPARTMENT OF HUMAN SERVICES

Subject:

/KEMA CASE 10780

Originator:



EHSSSA To:

EHCWS II (70)

From: WHFASSA Date: 06/29/94

Memo No. 1

Attn:

WHCMU (24)

ACTION:

Attached, please find a bill Kona courtesy social worker received from West Hawaii Imaging for a full skeletal survey for that was conducted on 5/10/91! As this is past the two year deadline, DHS Medicaid will not pay for this service and CWS will be required to provide payment through emergency assistance or other appropriate funding. Social worker called West Hawaii Imaging to verify the date of the service, as this is the first bill received for this service. According to West Hawaii Imaging, they have been sending bills to Captain Cook DHS office since the date of service for (the same service was on the same date). Social worker was instructed provided for by unit supervisor to mail original bill to primary social worker in Hilo for follow-up. This social worker provided West Hawaii Imaging the name and address of primary social worker in Hilo for follow-up with bill, which has not yet been received in Captain Cook office.

> Supervisor WHCMU 24

Approved by:

West Hawaii

Family and Adult Services Section Administrator

Attachment

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KAILUA-KONA HI 96740

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INTERNAL

Suspense

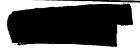
COMMUNICATION FORM

DEPARTMENT OF HUMAN SERVICES

Subject:

KEMA CASE 10780

Originator:



To: EHSSSA

EHCWS II (70)

From: WHFASSA WHCMU (24)

Date: 06/29/94

Memo No. 1

Attn:

ACTION:

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WHCMU 24

Approved by:



West Hawaii

Family and Adult Services Section Administrator

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Suspense

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DEPARTMENT OF HUMAN SERVICES

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> Supervisor WHCMU 24

Approved by:



West Hawaii

Family and Adult Services Section Administrator

Attachment

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DEPT. OF HIS MAN SERVICES Family & Adult Services Division

DEPARTMENT OF HUMAN SERVICES
Family and Adult Services Division
P.O. Box 230
Captain Cook, Hawaii 96704
Telephone:
Fax:



'94 JAN 29 A11:17

FAX TRANSMISSION COVER PAGE

DATE: June 29, 1994

TOTAL NUMBER OF PAGES (INCLUDING COVER PAGE): 2

TO:

EHCWS II (70)

FROM:

WHCMU 24

RE: KEMA

COMMENTS: ATTACHED, PLEASE FIND COPY OF BILL KONA COURTESY SW RECEIVED FROM WEST HAWAII IMAGING FOR A FULL SKELETAL SURVEY FOR THAT WAS CONDUCTED ON 5/10/91! AS THIS IS PAST THE TWO YEAR DEADLINE, DHS MEDICAID WILL NOT PAY FOR THIS SERVICE AND CPS WILL BE REQUIRED TO PROVIDE PAYMENT THROUGH EMERGENCY ASSISTANCE OR OTHER APPROPRIATE FUNDING. THIS SW CALLED WEST HAWAII IMAGING TO VERIFY THE DATE OF THE SERVICE, AS THIS IS THE FIRST BILL RECEIVED FOR THIS SERVICE. ACCORDING TO WEST HAWAII IMAGING, THEY HAVE BEEN SENDING BILLS TO CAPT. COOK DHS OFFICE SINCE THE DATE OF SERVICE FOR

ON THE SAME DATE). THIS SOCIAL WORKER WAS INSTRUCTED BY UNIT SUPERVISOR TO MAIL ORIGINAL BILL TO PRIMARY SOCIAL WORKER IN HILD FOR FOLLOW-UP. THIS SOCIAL WORKER PROVIDED WEST HAWAII IMAGING THE NAME AND ADDRESS OF PRIMARY SOCIAL WORKER IN HILD FOR FOLLOW-UP WITH BILL, WHICH HAS NOT YET BEEN RECEIVED IN CAPT.

IF PROBLEMS OCCUR, PLEASE CALL

PLEASE . P 0 BOX 230 DO NOT CAPT. COOK HI 96704 STAPLE : IN THIS AREA PICA **HEALTH INSURANCE CLAIM FORM** 1. MED!CARE MEDICAID CHAMPUS CHAMDVA GROUP OTHER 1a. INSURED'S I.D. NUVIBER (FOR PROGRAM IN ITEM 1) HLK LUNG (Medicare #) (Medicaid #) HEALTH PLAN (SSN or ID) (Sponeor's SSN) (VA FIII #) 2. PATIENT'S NAME (Last Name, First Name, Middle Initial) TIENT'S BIRTH DAT 4. INSURED'S NAME (Last Name, First Name, Middle Inital) PATIENT'S ADDRESS (No. Street) 6. PATIENT RELATIONSHIP TO INSURED NSUREDIS ADDRESS (AL Self X Spause Child CITY STATE & PATIENT STATUS Single Married Other ZIP CODE TELEPHONE (Include Area Code) ZIP CODE TELEPHONE INCLUDE AREA CODE) Employed : Full-Time : Part-Timer Student 9. OTHER (NEURED'S NAME (Last Name, First Name, Middle Initial) ID. IS PATIENT'S CONDITION RELATED TO 11. INSURED'S POLICY GROUP OR FECA NUMBER 888-86-8668 AND INSURED a. OTHER INBURED'S POLICY OR GROUP NUMBER a. EMPLOYMENT? (CURRENT OR PREVIOUS) E. NGUNEDIG DATE OF DIRTH YES X NO U. OTHER INSURED'S DATE OF BIRTH b. AUTO AGGIDENT? PLACE (Glate) U. EMPLOYER'S NAME OR SCHOOL NAME MM DD : W YES NO C. EMPLOYER'S NAME OR SCHOOL NAME G. OTHER ACCIDENTS C. INSUHANCE PLAN NAME OH PHOGHAM NAME PATIENT YES STATE OF HAWAII CPB d. INSUHANCE PLAN NAME OR PROGRAM NAME IVO. RESERVED FOR LOCAL USE d. 15 THEHE ANOTHER HEALTH BENEFIT PLAN? YES X NO If yes, return to and complete Item 9 a.d. Meau back of form before completing 8 signing this form. 12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I subjectly the release of any medical or other information necessary in process this daim. I also request payment of government pensits atther to myself or to the party who accepts assignment 3. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE | authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNED SIGNATURE ON FILE DATE 06/27/94 SIGNED . 14. DATE OF CURRENT: (ILLNESS (First symptom) OR INJURY (Accident: OF PREGNANCY(LMP) 15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MW | DD | YY 16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION GIVE FIRST DATE MM II. FROM TO 17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE 174. I.D. NUMBER OF REFERRING PHYSICIAN 18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES
MM DD YY MM DD YY LAIRD 我们为尼尼丁 098825 FROM ŢQ 19. RESERVED FOR LOCAL USE 20. OUTSIDE LAB? S CHARGES YES NO 21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY, IRELATE ITEMS 1,23 OR 4 TO ITEM 24E BY LINE) 22. MEDICAID RESUBMISSION 9955 ABUSE, CHILD ORIGINAL REF. NO 23. PRIOR AUTHORIZATION NUMBER G H DATE(8) OF SERVICE PROCEDURES, BERVICES, OR SUPPLIES Туре Place PHYSICIAN OR SUPPLIER INFORMATION DIAGNOSIS CODE (Explain Unusual Olmsmatances)
CPT/HCPCS | MODIFIER REBERVED FOR OR Family MM 00 \$ OHATGES Service Service EMO COB LOCAL USE めちノ1 はノツ 1 11 アんりんご TSF 168.48 THIS IS TO CLOSE MIAT THIS S A TRUE AND PRICENAL MEL 25, FEDERAL TAX .D. NUMBER 33N EIN 28. PATIENT'S ACCOUNT NO. 27. ACCEPT ASSIGNMENT? 28, TOTAL CHARGE CIAS TRUOMA .85 30. BALANCE DUE 99-0192319 55850 X YES NO 168 48 * 100 1 168.48 31. SIGNATURE OF PHYSICIAN OF SUPPLIER 32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE 33. PHYSICIAM'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE INCLUDING DEGREES OR CREDENTIALS (I sertify that the attements of the reverse tiplity to this bill anders made a part thereof.) RENDERED (if other than home or office) **GEST*** HAWAII IMAGING SERVICES 77-311 SUNSET DRIVE KAILUA-KONA HI 96740 06/27/94 DATE PIN#0000BDMB.J GRPW (APPROVED BY AMA COUNCIL ON MEDICAL SERVICE 8/88)

STATE OF HAWAII CP8 2024107

793-0119 (92/90) (OCH) 2

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