

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
101 Aupuni Street, Suite 1014-A  
Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: 933-8883

H. TAMANAHA

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

[REDACTED]

) FC-S NOS. [REDACTED]  
)  
) 98-034  
)

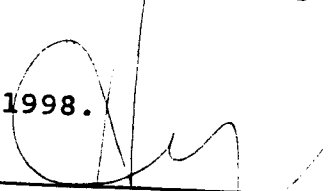
) NOTICE OF FILING; SUPPLEMENTAL  
) SAFE FAMILY HOME REPORT;  
) EXHIBIT "A"; CERTIFICATE OF  
) SERVICE

) DATE: May 21, 1998  
) TIME: 10:00 a.m.  
) JUDGE: BEN H. GADDIS

NOTICE OF FILING

PLEASE TAKE NOTICE that the attached Supplemental Safe Family Home Report and Exhibit "A" dated May 12, 1998, and prepared by [REDACTED] Social Worker for The Department of Human Services, is hereby being submitted to the Court pursuant to Section 587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, May 13, 1998.

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

Child Protective Service is a specialized child welfare service that is time limited. It is not intended to address all of the family's problems, but rather to resolve the most critical problem(s) which will reduce the risk of further harm to the child.

Confidential Report of the  
Department of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF:

[REDACTED]

[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

[REDACTED]

FC-S No.: [REDACTED]  
98-34

SUPPLEMENTAL SAFE FAMILY HOME  
REPORT; EXHIBIT A

SUPPLEMENTAL SAFE FAMILY HOME REPORT  
May 12, 1998

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

The following information concerns the current situation relevant to each of the 14 guideline criteria set forth in HRS 587-25.

On or about April 21, 1998, a Child Protective Service Team Meeting was held. After some discussion among the members, recommendations were made by the CPS Team and include the following. That a foster home placement be made in the Hilo area to provide a safe place for [REDACTED] and "easy visitation with the parents" with effort to maintain constancy in the school lives of [REDACTED]. Note is made that [REDACTED] should not be returned to the parents if Peter Jr. is not found. Special services were suggested as home-based services, therapeutic aid, counseling for the parents, utilization of school counselor services while school is in session.

A second recommendation of the CPS team was regarding the role of the Hawaii Police Department to work closely with DHS. The Detective continues to be in contact with DHS social worker almost on a daily basis.

A third recommendation was that visitation be facilitated between [REDACTED] and the parents. On Friday, April 24, 1998 the first visit was had for both parents, although Father was late due to returning from a Honolulu trip with HPD. The next visits were scheduled for April 27, 1998 and April 28, 1998. On April 27, 1998, the foster parent had been informed to bring [REDACTED] on the following day. Therefore, Jaylin and Peter Kema talked for approximately forty-five minutes with the Child and Family Service homebased social worker who began working with them on April 24, 1998 focusing on parenting and family adjustment issues.

Recommendations regarding [REDACTED] needs include: The provision of psychological treatment for [REDACTED] regarding the disappearance of their brother, Peter, Jr. In this regard, the medical doctor, Dr. Natalie Delue, of Bay Clinic recommended that [REDACTED] be provided with psychiatric counseling. Plan: Although three psychiatrists, Drs. Dennis Lee, Henry Yang and Lane D. Matsumura, were asked to provide psychiatric evaluation, they declined. Dr. Steven Choi, psychologist, agreed to complete evaluations on the entire family on June 1 and 2, 1998. Other recommendations made by the team are contained in the Conference Report submitted as Exhibit A.

On or about April 22, 1998, a telephone conference was held between the Honolulu Program Development Supervisor, the Hawaii Branch Administrator, the East Hawaii Intake/Assessment Unit Supervisor and assigned social worker. The decision was that the social worker would place [REDACTED] into a foster home immediately. On or about April 22, 1998, at approximately 1052 hours, DHS social worker and SSA, accompanied by an HPD Sergeant and Officer, arrived at the Kaumana Elementary School and met briefly with the Principal, Ms. Julie Ignacio. [REDACTED] were transported by DHS to the DHS office. After having lunch, they were transported by the foster parent to the foster home. The foster parents are transporting [REDACTED] each day, to Kaumana Elementary School.

On April 23, 1998, a medical doctor who provided medical examination of the [REDACTED] relayed individual concerns for each child. Her primary concerns were that [REDACTED] had a [REDACTED] sexual abuse. She found that [REDACTED], suggesting [REDACTED] but not what she would consider strictly "normal" for a [REDACTED] year old. Dr. Delue was concerned that [REDACTED] have [REDACTED] asthma machine, which was brought for the child to the office by Mother on April 23, 1998. While effort was made to coordinate a sex abuse examination on the evening of April 23, 1998, the

examination was completed by the SANE, sex abuse nurse examiner, at Hilo Medical Center, according to protocol. Post examination, the nurse made it clear to DHS and to Detective Randy Medeiros, that while the [REDACTED] and other anatomy was in the natural state for a [REDACTED] age. The [REDACTED] was attributed to poor hygiene on the part of the [REDACTED]. The allegations of sex abuse were unconfirmed.

The [REDACTED] were placed out of the home of Jaylin Acol Kema and Peter Kema on April 22, 1998. They were placed in a licensed foster home which is approximately eighteen miles from the parent's home.

Jaylin Acol Kema and Peter Kema, Sr. continue to reside together. They have lived alone since the [REDACTED] were placed out of their home on April 22, 1998. [REDACTED] have had supervised visits about three times a week with the Kema parents. [REDACTED] have also visited weekly with [REDACTED] father of [REDACTED] who has expressed an interest in obtaining custody of his biological children. DHS Hilo requested a homestudy be conducted by the Oahu office on [REDACTED] home on Oahu to determine suitability for possible placement of [REDACTED] with him.

**RECOMMENDATION:**

- a. The award of Temporary Foster Custody to DHS of [REDACTED] be continued;
- b. Temporary Foster Custody of Peter Kema, Jr. be continued.

Respectfully submitted by,

[REDACTED]  
[REDACTED]  
[REDACTED] MSW, LSW  
Social Worker, East Hawaii  
Intake/Assessment Unit

I have reviewed this document.

[REDACTED] \_\_\_\_\_  
Supervisor Date  
Representing the Department of Human Services

05/13/98

**MULTIDISCIPLINARY TEAM CONFERENCE REPORT**

**THIS REPORT IS CONFIDENTIAL.**

**CHILDREN:**

Kema, Jr., Peter  
[REDACTED]

**BIRTHDATES:**

05/01/91  
[REDACTED]

**WHEREABOUTS**

Unknown  
[REDACTED]

**CASE NAME:** Kema, Jaylin

**FAMILY MEMBERS:**

**Mother:** Kema, Jaylin

**Father:** Kema, Sr., Peter

**CONF DATE:** 04/15/98, 2:00-4:00P - DHS Conference Room

**CASE WORKER:** [REDACTED] Hilo Intake and Investigations

**PARTICIPANTS:**

[REDACTED] - CPS Investigations

[REDACTED] - DHS supervisor

B. Wilson M.D. - Pediatric Consultant

K. Rusnak, M.S., R.N. - Nursing Consultant

N. Higa, B.A. - Team Coordinator

[REDACTED] TA CWSSA

W. Jaeckle, Ph.D. - Psychologist Consultant

B. Grimmel, ACSW - Social Work Consultant

**GUESTS:**

Edith Kawai, GAL

Christopher Barthel, Ph.D. - previous therapist for parents

***THIS REPORT IS CONSULTATIVE IN NATURE AND CASE MANAGEMENT DECISIONS ARE LEFT UP TO THE DEPARTMENT OF HUMAN SERVICES***

Team analyses and recommendations are made based upon information made available to the Team at the time of the Team Conference by DHS-CPS, and other collateral contacts. Team Recommendations may need to be modified in light of new information, available resources, and the realities of service delivery constraints.

**EXHIBIT "A"**

**REASON FOR TEAM**

The purpose of this Team Conference was to assess the reason(s) for the parents' reluctance in providing information regarding the whereabouts of their son, Peter Jr.; and to determine if the [redacted] are safe in their parents' care.

**CASE BACKGROUND**

Please see DHS case records for complete case background.

**IDENTIFYING INFORMATION**

<u>Complaint/Report Date</u>	<u>Type of Maltreatment</u>	<u>Children</u>	<u>Confirmed</u>
May 8, 1991	Physical Abuse	[redacted]	Yes
August 12, 1991	Physical Abuse	Peter Jr.	Yes
April 4, 1997	Physical Abuse	Peter Jr.	No
June 18, 1997	Physical Abuse	Peter Jr.	No

**Past Teams:** No  
**Family Type:** Married

**Jurisdiction:** Family Supervision  
**Medical Care Provider:** Pahoia Family Health Center

**DHS INVOLVEMENT**

DHS has been involved with this family since May of 1991, when [redacted] called DHS in Kona to report bruises on the cheeks of [redacted]. [redacted] told [redacted] that the bruises were from Peter Kema, Sr. (mother's boyfriend), but they would not repeat this to the CPS worker. The case was referred to DHS in Hilo, where the family resided, and the report was confirmed. [redacted] were taken into protective custody and placed with [redacted]. In August of 1991 DHS received a report of physical abuse to Peter Jr.. The injuries included a fractured left knee as well as old fractures. Although it was not determined who the perpetrator was, the child was being cared for by only his parents at that time. Peter Jr. was placed with his siblings at the home of [redacted].

[redacted] were returned to their parents' custody in June of 1995. By that time Peter Kema, Sr. and mother (Jaylin Acol) were married and had [redacted].

On April 4, 1997, DHS received a report from a relative, that Peter Jr. had a broken arm (from father). It was further reported that Peter Jr. had to sit on the floor at mealtime (unlike his siblings), wore long sleeve shirts all the time, and had been seen eating "puppy shit". No further information was provided by other relatives and this was not confirmed.

In June of 1997 the report was received by DHS and a home visit was made. The family had to be tracked down following a move and mother and [redacted] were not home when the DHS social worker arrived at the

## CASE BACKGROUND (Continued)

### DHS INVOLVEMENT (Continued)

new home. An appointment was made and the family came to the DHS office (without Peter Jr.) in early July of 1997 following two canceled appointments. Family members stated that they had not seen Peter Jr. since December of 1996 and when asked about this, mother stated that Peter Jr. was with a paternal aunt and uncle until mid-August. An appointment was inadvertently set for August 15, 1997 for mother to bring Peter Jr. in, but as this was Admissions Day the DHS office was closed. The DHS social worker made a home visit in August of 1997 but found the windows tightly shut and no answer at the door, although there were two cars in the garage and the clothes dryer was running.

In October of 1997 the social worker interviewed [REDACTED] at school but they both stated that Peter Jr. was in Kona with Aunt Nani (Lee Ann Kobayashi and husband Jay Kobayashi). [REDACTED] said that [REDACTED] had seen Peter Jr. as recently as September, and [REDACTED] said [REDACTED] had last seen him in June of 1997.

In December 1997, mother's [REDACTED] worker left a message for the DHS social worker that mother had reported Peter Jr. as having moved out of the home on July 17, 1997, and moving to Oahu in October of 1997. In December 1997, the [REDACTED] still reported that they did not know where Peter Jr. was, and it was suggested by the DHS social worker that they file a missing person report. On December 29, 1997 the social worker contacted a private school, suggested by the extended family, to see if Peter Jr. was registered there. This school, Punana Leo School, as well as the DOE had no records of Peter Jr. having been registered there.

On January 8 1998, the social worker (with a police officer) went to the family home but there was no answer and all the windows were shut. On January 9, 1998 the social worker and a police officer went to the home again. This time mother was home and came out to talk to them. Mother appeared to have gained quite a bit of weight. Mother expressed anger and dislike [REDACTED] but it wasn't until the social worker and police officer questioned her apparent indifference to her son's whereabouts that mother began to cry. Mother finally agreed to make a missing person report on behalf of her son.

On January 21, 1998 at the Hilo Police Station mother told the DHS social worker and Detective Nojiri that she had only found out the day before that her husband had given their son to a woman, Auntie Rose, on Oahu. During a separation between mother and father, Peter Sr. had taken the child to Oahu with him and signed a paper giving the child to this Auntie Rose. Mother does not know Auntie Rose and states that father told her Peter Jr. was with relatives and would be placed into school in Kona in August of 1997. When Detective Nojiri approached Peter Sr. in the waiting area to speak with him, mother stated that father had chest pains and had to go to an emergency doctor's appointment.

On February 26, 1998 the social worker visited the family home. During the visit mother stated that they were waiting for a letter from Auntie Rose, whose name is Rose Makuakane. Ms. Makuakane is a Hawaiian woman known for her skills in Hawaiian crafts.

## CASE BACKGROUND (Continued)

### DHS INVOLVEMENT (Continued)

On March 9, 1998 father and mother came into the DHS office for an appointment for Peter Sr. to speak with the DHS worker following two appointments which mother had canceled for father. Father stated that before his mother died, a man named Moses Makuakane had lived with them for five years. When his mother died (when he was twelve), Moses had his "cousin" Rose Makuakane stay with them for two weeks. Father did not see Rose again until September 1997 when he was on Oahu with Peter Jr.. Father states that at that time he was sleeping on the grass in A'ala Park with other homeless people, and sharing a tent with eighteen other people. He says that this was not a place for Peterboy, and when he ran out of food stamps he gave Peter Jr. to Rose Makuakane with a letter stating his intentions to let her keep the child, as he could not take care of him and was giving up his parental rights. He said that Rose wanted to move to Florida where it would be cheaper to live and she could sell her hats on the beach to make a living. The police have not been able to find a person who exists with the name of Rose Makuakane.

### QUESTIONS TO BE ADDRESSED

1. Is there anything about the parents that has been missed that might help to shed light on their actions?
2. What, if any, vested interest do the parents have in not disclosing the child's whereabouts?
3. Are there any family dynamics that may affect [REDACTED] still in the home?
4. Is this home, and are these parents safe?

## CASE BACKGROUND (Continued)

### SOCIAL HISTORY/ENVIRONMENT

Mother and father have been together for approximately eight years, during which time they had stillborn twins at five months gestation, had a stillborn daughter, a son die at one day old and have had [REDACTED] taken away. These parents have not been tested for drug use and mother denies any physical abuse in their relationship since the early part, and denies any abuse to [REDACTED]. It is unclear how or why mother and father do not exhibit appropriate regret at the loss of their child, and why they are unwilling to disclose any information that would be useful in finding Peter Jr.



## CASE BACKGROUND (Continued)

### SOCIAL HISTORY/ENVIRONMENT

One worker states that these parents are naïve and inexperienced rather than manipulative. Due to the father's dysfunctional childhood history and their recent experiences with DHS, these parents may be feeling intimidated. They were both said to be cooperative with services. There were some problems during the time [REDACTED] were with [REDACTED] and this had to do with issues between family members as well as mother's difficult pregnancy with [REDACTED]. Mother is at risk for gestational diabetes and was not well during her pregnancy, which, in addition to financial constraints, affected their ability to visit [REDACTED] in Kona.

Mother is very angry at [REDACTED] due to her own childhood molestation by a maternal uncle that she states [REDACTED] would not protect her from. [REDACTED] says that she was unaware of the abuse and that Jaylin only asked that uncle not stay in her room when he visited, she never told her of the abuse. Jaylin says that she told [REDACTED] ignored it. As an adolescent Jaylin become very sexually promiscuous, and had her first child by the time she was 16.

Father's history includes the death of both his father and then his mother at (Peter Sr.'s) ages of 5 and 12. Peter Sr. and his older sister Rachel ended up with a heavy-handed family in Volcano. He had trouble at school, was depressed, angry and was using drugs. Peter Sr. was referred to Dr. Barthel for counseling and although he managed to be responsive and got some help from the therapy, Dr. Barthel maintains that when Peter Sr. got overwhelmed he would fall apart. These lapses would include increased depression, drug use and his grades dropping. Dr. Barthel suggests that this is most likely still Peter Sr.'s pattern. He further contends that Peter Sr. is highly sensitive, paranoid, and fears having this family torn apart. When concerns were raised as to why Peter Jr. appears to have been the child targeted for abuse when he was Peter Sr.'s birth son, it was suggested that Peter Sr. was never certain if Peter Jr. was in fact his son or Mr. Coulter's [REDACTED] son.

When [REDACTED] were returned to their parents' custody in 1995, it was due to their work with Dr. Barthel and participation in Ho'oponopono, their having secured a well-kept house, and having had [REDACTED] and no reports of abuse with her. When [REDACTED] were returned, Peter Sr. and Jaylin went into isolation with [REDACTED] and would not allow visitation with the [REDACTED] in spite of Dr. Barthel's vehement exhortations that this would be harmful to [REDACTED], who were bonded to their [REDACTED]

[REDACTED] still in the home appear to be healthy and well. Their attendance and grades at school are good, and they seem happy. [REDACTED] do however seem to have been coached on what to say to DHS and other social service people, although, there are still some discrepancies in facts between what they say and what their parents say with regard to Peter Jr.'s fall from the treehouse and when they last saw Peter Jr..

**CASE ANALYSIS**  
**Children's Status, Functioning, Needs**

**Physical Status:**

\*No medical records could be obtained for Peter Jr. at this time

1. **Prenatal, Postpartum, Infancy, Childhood History**

Peter: Multiple fractures at four months and possibly a fracture at five years - most likely result of abuse. Possibly other physical and emotional abuse.

2. **Well Baby/Child Status**

[REDACTED] Immunizations up to date.  
[REDACTED] Immunizations up to date.  
[REDACTED] Immunizations up to date.

3. **General Health**

[REDACTED] Overall good. Scabies - almost resolved.  
[REDACTED] Overall good. Scabies - almost resolved., slightly overweight.  
[REDACTED] Overall good. Overweight.

4. **Medical Conditions, if any**

[REDACTED] Bronchitis and upper respiratory infections.

5. **Visual/Auditory Status**

[REDACTED] Normal  
[REDACTED]: Normal  
[REDACTED] Normal

6. **Other**

Peter: Has been missing for over a year.

**Developmental:**

1. **Normal/Abnormal Growth**

[REDACTED] Normal  
[REDACTED] Short stature, overweight  
[REDACTED] Short stature, overweight

As mother is of short stature also, this may be a genetic predisposition rather than a growth abnormality.

**CASE ANALYSIS**  
**Children's Status, Functioning, Needs**

**Developmental (Continued)**

**2. Normal Development/Abnormal Development/Delays**

- ██████████ Normal (with available information)
- ██████████ Normal (with available information)
- ██████████ Normal (with available information)

**Psychosocial:**

Not much is known about ██████████ psychosocial functioning other than what has been ascertained from school records and a few brief interactions with the DHS social worker.

**1. Description of current Emotional status. Stable vs. Unstable.**

██████████ seem to be happy

**2. Adaptable to changes vs. difficulty in transitions**

██████████ appear to be fairly adaptable to changes.

**3. Resiliency: High vs Low**

██████████ appear to be resilient

**4. Ability to emotionally connect to others: Trust/Mistrust.**

██████████ seem to have the same mistrust of outsiders as their parents.

**Children's Functional Analysis:**

<u>Name of Child</u>	<u>Level of Functioning/Needs</u>			
1. ██████████	<input type="checkbox"/> Special Needs- Emotional	<input type="checkbox"/> Low Functioning	<input checked="" type="checkbox"/> Average Functioning	<input type="checkbox"/> High Functioning
2. ██████████	<input type="checkbox"/> Special Needs- Emotional	<input type="checkbox"/> Low Functioning	<input checked="" type="checkbox"/> Average Functioning	<input type="checkbox"/> High Functioning
3. ██████████	<input type="checkbox"/> Special Needs- Emotional	<input type="checkbox"/> Low Functioning	<input checked="" type="checkbox"/> Average Functioning	<input type="checkbox"/> High Functioning

**CASE ANALYSIS**  
**Caretaker's Status, Functioning, Needs:**

**Strengths:**

**Peter Kema, Sr.**

None known

**Jaylin Kema**

None known

**Weakness/Limitations:**

**Peter Kema, Sr.**

Poor coping skills  
Inadequate parenting knowledge and skills  
Violent/aggressive behaviors  
Poor impulse control  
Difficulty forming adequate interpersonal relationships  
Highly defensive  
Unwilling or unable to accept responsibility for child maltreatment  
Limited attachment to children  
Negative perceptions of child (Peter)  
Emotional problems

**Jaylin Kema**

Poor coping skills  
Inadequate parenting knowledge and skills  
Difficulty forming adequate interpersonal relationships  
Highly defensive  
Unwilling or unable to accept responsibility for child maltreatment  
Limited attachment to child (Peter)  
Inaccurate perceptions of child (Peter)  
Emotional problems

**Caretakers Functional Analysis:**

**Name of Caretaker**

**Level of Functioning/Needs**

1. Peter Kema, Sr.             Dysfunctional    Low Functioning    Average    High Functioning
2. Jaylin Kema                 Dysfunctional    Low Functioning    Average    High Functioning

As a couple they are resistant, angry, and uncooperative with the system. As individuals they deceive each other, and show little concern about locating Peter Jr.. There is a disconcerting possibility that Peter Jr. is dead. Their secrecy makes it difficult to determine the extent of impact on the remaining [REDACTED] and seems to be a function of their stress level. This couple falls apart under pressure, and father can be explosive towards [REDACTED], Jaylin, and himself. As the CPS and police investigations move forward there will be greater pressure on this couple.

## SOCIAL ENVIRONMENT AND SOCIAL SUPPORT SYSTEM

Based on the analysis of this family's social environment and support system the following are the protective and risk factors in this case:

### Protective Factors

1. Adequate living environment: sufficient space, adequate hygiene.
2. ██████████ doing well in school.

### Risk Factors

1. Caretakers lack extended family member able to assist in care of ██████████. Some extended family may be able to assist but parents will not allow contact.
2. Caretakers have a history of inadequate or dysfunctional parent-child relationships.
3. Caretakers have dysfunctional, maladaptive and/or abusive couple relationship.
4. Caretakers are unwilling to participate in services with community services providers and follow through with services is poor.
5. There are limited and poor social attachments including poor caretaker-child attachment.
6. Caretakers have been enmeshed in a maladaptive and abusive environment.
7. Six year old, who was physically abused at 4 months and possibly at five years, has been missing for over a year. There are serious questions as to whether the child is still alive.
8. Serious concerns as to the safety of the remaining ██████████ in the home.
9. Father's explosiveness is a concern for all family members in the home.

### Social System Analysis:

Overall the current social environment and social support system is:

- Substandard/Dysfunctional       Minimally Functional       Low       Average  
 Highly Supportive without additional social services       Highly Supportive only with additional social services

## TEAM ASSESSMENT

A multidisciplinary Team Conference was held to assist the DHS-CWS social worker in decision-making regarding the parents' lack of concerns for, or disclosure about, their missing child; six year old Peter Kema, Jr., who has been missing for over a year. Other decisions concerned the safety of [REDACTED] remaining in the home, and the possible course of action regarding the parents and [REDACTED] during the investigation. Based on the available information presented during the team conference [REDACTED] are average functioning [REDACTED] who require average care in all areas of functioning. The caretakers are assessed to be dysfunctional and have limited ability to care for [REDACTED] needs. The social support system contributes to the caretakers' dysfunction.

[REDACTED] have been raised in an abusive and coercive environment. From an early age [REDACTED] were the victims of violence and emotional abuse, as evidenced by the bruising on [REDACTED] at ages four and two, to Peter Jr.'s new and old fractures at age four months. Further, although the (spiral) fractures were caused by twisting of the limbs, both parents continually blame [REDACTED] jumping on Peter Jr. as the cause of these injuries; this is quite an emotional burden for [REDACTED] to carry. To provide explanations for later injuries to Peter Jr. (injuries to his arm), [REDACTED] appear to have been coached on what to say, adding more emotional burdens for [REDACTED]. Although it has been brought to the attention of the Team that [REDACTED] remaining in the home appear healthy and unharmed, it might be prudent to remember that their brother is missing and the parents *seem* to be the perpetrators of this. As Peter Jr. was the child who appeared to have most of the injuries, it would be very reasonable for [REDACTED] to conclude that being out of favor with father and mother could indeed make you "go away".

Further information brought to the Team confirms the history of father's propensity towards violence when he is under pressure. Rather than conforming when under scrutiny, father falls apart and becomes extremely, and very rapidly volatile. It was further stated that it is unlikely that father's methods of coping have changed over time. Raising children seemed to be enough of a stressor for father to (allegedly) abuse [REDACTED]. With CPS interventions and investigations into Peter Jr.'s disappearance, the likelihood of father decompensating is very probable, and with father's history the probability of his abusing a family member is very high.

The Team members were not in a consensus regarding the removal of the [REDACTED] from the home, although the three members who advocated this course of action were quite vehement in their recommendations. The fact that these parents have a missing child, are not producing this child, and have not since August 1997, when a broken arm was reported, is of extreme concern. Given the history of serious physical abuse and reported abuse, the disappearance of Peter Jr. is very disturbing, indeed. There are also serious concerns in terms of the safety of [REDACTED] based on the information provided to the Team with regard to this family's history and abuse. These parents had (gave birth to) Peter Jr., and by four months of age he had multiple spiral fractures and was removed from the home along with [REDACTED] who were previously removed due to physical abuse. [REDACTED] were returned to the parents in June of 1995 and by April 1997 Peter Jr. reportedly had a broken arm from father, and by August 1997 he was missing. Based on this information it is strongly recommended by these members that [REDACTED] be removed from the family home pending the investigation into Peter Jr.'s disappearance. The fourth member recommended strong family supervision and daily accountability and support for this family during this

### TEAM ASSESSMENT (Continued)

stressful time. This member states that because there are no allegations of abuse or neglect to [REDACTED] and this family is apparently doing better than they ever have (with regard to [REDACTED] therefore, there is no cause to remove them from the home. This member has concerns that objectivity is being obscured by suspicions and other recent cases in the news. Also stated by this member is the need to arrive at a better understanding of our criteria, such as; at what level of probability do we use separation as a solution rather than seeking other alternatives (homebased services and family monitoring). The Team member who recommended the latter, also suggested that removing [REDACTED] might be a catalyst for father's violent outbursts. All Team members agree unanimously that the search for Peter Jr. should be carried out expeditiously and vigorously.

[REDACTED] have most likely been abused and/or been witness to repeated acts of violence and abuse toward other members of their family, up to, and including the removal of their brother from the family. [REDACTED] do not yet understand or comprehend the dynamics of the situation in their family; but they do need to be provided with a safe, stable environment with protection, emotional nurturance, and the continuity of care and extended family that has been missing.

These parents have been provided with numerous services over a long period of time, and have seemingly complied. At the very least, in view of their lack of concern and active response to their missing child, it is likely that there have been no improvements in their parenting abilities. At the very worst, if they are actively involved in their child's disappearance, the safety of the remaining children is of the gravest concern.

The family is, therefore, assessed to be:

Safe/Adequate     Safe/Adequate only with Services     Unsafe/Inadequate     Other: List

one Team member

three Team members

## TEAM RECOMMENDATIONS

### 1. Placement Recommendations.

A. [REDACTED] Placement together in a foster home in Hilo to provide safety for [REDACTED] facilitate easy visitation with the parents, and maintain some sense of normalcy in [REDACTED] school/peer routines during the investigation into Peter Jr.'s whereabouts. [REDACTED] should not be returned to the parents if Peter Jr. is not found.

OR

B. Keep [REDACTED] in the home and provide services that will monitor the family, provide daily accountability of the family after the school year ends, and keep [REDACTED] safe from any explosive acting out on father's part. Some possibilities include: homebased services, a therapeutic aid, counseling for the parents, and school counselors until school ends.

### 2. Legal Recommendations.

A. The police department should be urged to expeditiously investigate the disappearance of Peter Kema, Jr.. The uncertainty regarding his status makes decisions regarding [REDACTED] very difficult. The police should be required to attend case conferences and provide the current status and updates on this case.

### 3. Visitation Recommendations.

A. Visitation with both the parents and [REDACTED] should be facilitated to provide [REDACTED] with support and a social network during the investigation into Peter Jr.'s disappearance.

### Children's Recommendations:

#### 1. Psychological treatment/support.

Desired Outcomes: To provide support for [REDACTED] with regard to Peter's disappearance, the disruptions in the family, and any abuse they have witnessed/experienced.

#### 2. Review of all medical and hospital records, including Dr. Sugai in Kona.

Desired Outcomes: To determine [REDACTED] health, the details of Peter Jr.'s arm injury, and any other unexplained injuries that may have occurred.

#### 3. Speak with Dr. McCallister regarding the visit to the Pahoia Clinic to examine Peter Jr.'s arm..

Desired Outcome: To determine the extent and evaluation of the injury.



**Children's Recommendations (Continued)**

4. Contact all of the orthopedic doctors in town to discover if Peter Jr. did have a cast put on his arm in between November of 1996 and April, 1997.

Desired Outcome: To determine the extent and evaluation of Peter Jr.'s injury.

5. Support from outside agencies.

Desired Outcomes: To support this family regardless of whether [REDACTED] remain in the home or are placed into foster care.

6. Obtain copies of miscarriage and death records of children stillborn and/or miscarried by Jaylin.

Desired Outcomes: To determine the causes, and if domestic violence was involved.

**Caretaker's Recommendations**

**Peter Sr. and Jaylin**

1. Psychological evaluations

Desired Outcome: To determine the level of parents' functioning and ability to provide a safe home for [REDACTED]

[REDACTED] To gain an understanding of Peter Sr.'s motives in giving his son away.

2. Psychological treatment

Desired Outcome: To provide support for these parents during the stressful time of the investigation, and also if [REDACTED] are taken out of the home. To help these parents resolve some of their own issues related to their families of origin, abuse, relationships, and parenting skills. Dr. Barthel is willing to be this support person.

3. Review medical records

Desired Outcomes: To determine health and medical history.

4. Check with airlines for reservations/ticket purchases for Peter Jr. and Sr. between July and August of 1997.

Desired Outcomes: To verify if Peter Sr. and Jr. did indeed travel between Oahu and Hawaii at the times he has stated.

5. Possible re-teaming in the next month.

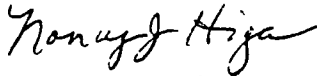
Desired Outcome: To re-assess the situation.

*Social System Recommendations*

1. Visitation with [REDACTED] and other extended family members.

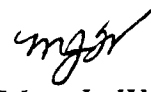
Desired Outcome: To provide support to [REDACTED] and a sense of family connection throughout this stressful time and hopefully into the future.

Submitted by:



Nancy J. Higa  
Team Coordinator

Approved by:



Mary Jo Westmoreland  
KCPC HI Branch Administrator



**KAPI'OLANI CHILD PROTECTION CENTER**  
794 A Kilauea Avenue, Hilo, Hawaii 96720 808 / 934-9875

04/28/98

Enclosed please find an updated cover page from the Kema CPS Multidisciplinary Team Report dated 04/15/98. Please note that Mr. Aley Auna, Esq. from the Attorney General's Office did not attend this meeting. I am sorry for any inconvenience this may have caused.


Thank You,

Nancy J. Higa  
Team Coordinator

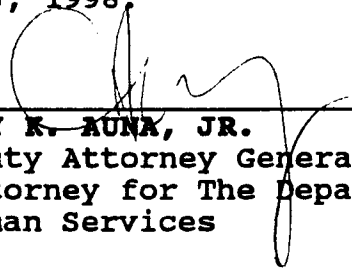
CERTIFICATE OF SERVICE

I hereby certify that on May 13, 1998, the foregoing will be duly served upon the following parties by the method indicated below:

By: U.S. Mail By: Hand-Delivery

CRAIG SADAMOTO, ESQ. Attorney for Mother	X
NATHAN BRENNER, ESQ. 	X
STEVEN D. STRAUSS, ESQ. Attorney for Peter Kema, Sr.	X
EDITH KAWAI, ESQ. Guardian Ad Litem	X

DATED: Hilo, Hawaii, May 13, 1998.

  
\_\_\_\_\_  
ALEY K. KUNA, JR.  
Deputy Attorney General  
Attorney for The Department of  
Human Services

CRUEBLE DE LIMA & SHIROMA  
Attorneys at Law

STATE OF HAWAII,  
FILED

MAY 15 4 24 PM '98  
H. TAMANAHA

NATHAN R. BRENNER 6984-D  
10 Shipman Street  
Hilo, Hawaii 96720  
Telephone: (808) 969-7707

CLERK

Attorney for [REDACTED]

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Interest of

[REDACTED]

[REDACTED]

PETER KEVA, JR.  
Born on May 1, 1991

[REDACTED]

FC-S Nos. [REDACTED]  
98-034

MOTION FOR TERMINATION OF  
TEMPORARY FOSTER CUSTODY;  
MEMORANDUM IN SUPPORT;  
DECLARATION OF COUNSEL;  
NOTICE OF MOTION  
CERTIFICATE OF SERVICE

Judge Ben H. Gaddis  
Hearing: 5/19/98  
Time: 1 p.m.

MOTION FOR TERMINATION OF TEMPORARY FOSTER CUSTODY

Comes now, [REDACTED] by and through his attorney NATHAN R.  
BRENNER, and hereby brings this Motion pursuant to Rules 5, 7 and 10 of the Family  
Court Rules and §587-53 of the Hawaii Revised Statutes as amended, and moves this  
Honorable Court to terminate temporary foster custody.

This motion is based on the record, declaration of counsel, and the record and files of this case.

DATED: Hilo, Hawaii, May 15, 1998.

  
\_\_\_\_\_  
NATHAN R. BRENNER

CRUDELE DE LIMA & SHIROMA  
Attorneys at Law

NATHAN R. BRENNER 6984-0  
10 Shipman Street  
Hilo, Hawaii 96720  
Telephone: (808) 969-7707

Attorney for [REDACTED]

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

[REDACTED]

) FC-S Nos. [REDACTED]  
)  
) 98-034  
)

) MEMORANDUM IN SUPPORT  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

MEMORANDUM IN SUPPORT

I. Facts:

All pleadings filed and submitted into evidence under FC-S [REDACTED] and FC-S 91-036 shall be incorporated by reference as to a factual basis, although the accuracy of said facts comprising the pleadings is in dispute and will be subject to cross-examination.

II. Questions presented:

- 1) Where is the "Family Home"?
- 2) Is there a threat of Imminent harm in the "Family Home"?

- 3) Should Temporary Foster Custody be revoked and [REDACTED] returned to their biological and legal custodian, [REDACTED]?
- 4) Has DHS made "reasonable efforts" to reunify [REDACTED] with their own family?

III. Short answers to Questions Presented:

1) [REDACTED]

2) No

3) Yes

4) No

IV. Rule of Law:

Pursuant to HRS §587 and 42 USC §671 (a)(15) "reasonable efforts" must be made by the State to prevent removal from the child's home, or after removal, to reunify the child with the child's own family.

V. Analysis:

- a) [REDACTED] is the undisputed [REDACTED]
- b) [REDACTED] is the legal custodian of [REDACTED]
- c) DHS has continuously failed to protect [REDACTED] from harm.
- d) DHS has failed to make any efforts to place [REDACTED] with their natural father prior to assuming Temporary Foster Custody.
- e) DHS had made no efforts to place [REDACTED] with their natural father prior to May 15, 1998.
- f) There is no threat of harm in the family home of [REDACTED] or to [REDACTED].



v. Conclusion

TEMPORARY FOSTER CUSTODY SHALL BE REVOKED FORTHWITH AND [REDACTED]  
[REDACTED] SHALL BE RETURNED TO THE FAMILY HOME OF [REDACTED]  
WITHIN FIFTEEN DAYS (15) OF THE HEARING OF THIS MOTION.

DATED: Hilo, Hawaii, May 15, 1998.

  
NATHAN R. BRENNER

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Interest of

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

[REDACTED]  
[REDACTED]

FC-S Nos. [REDACTED]  
98-034

DECLARATION OF COUNSEL

DECLARATION OF COUNSEL

STATE OF HAWAII    )  
                          ) SS:  
COUNTY OF HAWAII )

NATHAN R. BRENNER, being first duly sworn upon oath,  
deposes and says that:

- 1. Your declarant is an attorney duly licensed to  
practice law within the State of Hawaii;
- 2. Your declarant was appointed by this Honorable  
Court to represent [REDACTED] in the above-entitled action;
- 3. That the foregoing is based upon your declarant's  
review of the files in this matter.

Your declarant states the foregoing under penalty of  
perjury.

  
\_\_\_\_\_  
NATHAN R. BRENNER

CRUDELE DE LIMA & SHEROMA  
Attorneys at Law

NATHAN R. BRENNER 6984-C  
10 Shipman Street  
Hilo, Hawaii 96720  
Telephone: (808) 969-7707

Attorney for [REDACTED]

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

FC-S Nos. [REDACTED]  
98-034

[REDACTED]

[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

[REDACTED]

NOTICE OF MOTION

NOTICE OF MOTION

TO: CRAIG SADAMOTO, ESQ.  
234 Waianuenu Ave. Suite 124  
Hilo, HI 96720  
Attorney for Mother


STEVEN J. STRAUSS, ESQ.  
190 Keawe Street Suite 31  
Hilo, HI 96720  
Attorney for Peter Kema, Sr.

EDITH KAWAI, ESQ.  
65-1229 Opelo Road Suite A1  
Kamuela, HI 96743  
Guardian Ad Litem

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before the Honorable Ben Gaddis, Judge of the above-entitled Court, in his courtroom, at the Family Court of the Third Circuit Court, Waiakea Office Plaza, 345 Kekuanaoa Street, Hilo, Hawaii, on Tuesday, May 19, 1998, at the hour of 1:00 p.m., or as soon thereafter as counsel may be heard.

DATED: Hilo, Hawaii,

May 15, 1998

  
NATHAN R. BRENNER  
Attorney for Father

CRUDELE DE LIMA & SHIROMA  
Attorneys at Law

NATHAN R. BRENNER 6984-0  
10 Shipman Street  
Hilo, Hawaii 96720  
Telephone: (808) 969-7707

Attorney for [REDACTED]

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

[REDACTED]

FC-S Nos. [REDACTED]  
98-034

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on, 5/17/98, 1998 a  
copy of DEFENDANT/S/PLAINTIFF/S was duly served to the following

as indicated below:

MAILED	<u>COURT JACKET</u>	<u>FACSIMILE</u>	<u>HAND DELIVERED</u>
( X )	( )	( )	( )

TO:

CRAIG SADAMOTO, ESQ.  
 234 Waiianuenue Ave. Suite 124  
 Hilo, Hi 96720  
 Attorney for Mother

STEVEN D. STRAUSS, ESQ.  
 190 Keawe Street Suite 31  
 Hilo, Hi 96720  
 Attorney for Peter Kema, Sr.

EDITH KAWAI, ESQ.  
 65-1229 Opelo Road Suite A1  
 Kamuela, Hi 96743  
 Guardian Ad Litem



NATHAN R. BRENNER  
 Attorney for Father



District Family Court of the Third Circuit  
The Judiciary • State of Hawaii

Ben H. Gaddis  
Judge

Post-It® Fax Note 7671		Date 4/20	# of pages 9
To	[Redacted]	From	[Redacted]
Co./Dept.	[Redacted]	Co.	[Redacted]
Phone #	[Redacted]	Phone #	[Redacted]
Fax #	[Redacted]	Fax #	[Redacted]

FACSIMILE COVER SHEET

TO:



DATE: 4/20/98

FAX #: 974-6575

PHONE:

FROM: Family Court

FAX #: 934-5717

PHONE: 934-5700

RE: FC-S 98-0034 - Peter Kema, Jr.

NUMBER OF PAGES TO FOLLOW: 9

CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

98 APR 20 PM 1:06

cc: DAG - Alex Auna; GAL - Edith Kawai; Father's Attorney - Steven Strauss; Mother's Attorney - Craig S. [redacted] to; Peter Gordon, Honolulu Advertiser; Marsha Kitagawa, Director of Public Affairs

APR 20 98 15:49 NO.008 P.02

IN THE FAMILY COURT OF THE THIRD CIRCUIT

THIRD CIRCUIT  
STATE OF HAWAII  
FILED

STATE OF HAWAII

APR 17 4 15 PM '98  
*[Signature]*

IN THE INTEREST OF )  
 )  
PETER KEMA, JR., )  
born on May 1, 1991, )  
 )  
A child under the age of )  
eighteen years. )  
 )  
 )  
 )

FC-S 98-0034

CLERK

ORDER FOR RELEASE OF  
INFORMATION REGARDING  
PETER KEMA, JR.;  
APPENDIX "A"

ORDER FOR RELEASE OF INFORMATION REGARDING PETER KEMA, JR.

On April 15, 1998, the Family Court of the Third Circuit received a request for information from Mike Gordon, a reporter with The Honolulu Advertiser. Mr. Gordon requested whatever information that the Court was able to provide about Peter Kema Jr., a six-year-old child who had been missing for an extended period of time. Mr. Gordon was asked to provide his request for information in written form. He did so, and a copy of his request is attached as Appendix "A."

After receiving the request for information, the Court scheduled a hearing on this matter on April 16, 1998. Present and participating at the hearing were representatives of the Department of Human Services, a deputy attorney general, the Guardian Ad Litem for Peter Kema, Jr., and the attorneys for his parents. A representative of the Hawaii County Police Department charged with investigating the disappearance of Peter Jr. also attended the hearing.



At the hearing, certain parties objected to the release of information regarding this child by the Court. These objections are overruled for the reasons described below.

Based on the representations of the parties who attended the hearing, the court finds as follows:

1. The whereabouts of Peter Kema, Jr., remain unknown.
2. The past history of this child causes the Department of Human Services, the Guardian Ad Litem and the Court to have grave concerns about the whereabouts and safety of the child.
3. The release of limited information about the past history of this child and the circumstances surrounding his disappearance will not substantially impede any current investigations by law enforcement authorities.
4. The release of limited information about the past history of this child and the circumstances surrounding his disappearance may encourage members of the public to come forward with helpful information about disappearance and present whereabouts of the child.
5. The release of limited information about the past history of this child and the circumstances surrounding his disappearance is in the best interests of the child. Concerns as to the present whereabouts and well-being of this child outweigh concerns as to confidentiality raised on behalf of other family members.
6. The release of limited information about the past

history of this child and the circumstances surrounding his disappearance serve a legitimate purpose in that such a release may materially assist authorities in locating this child.

7. The release of information concerning this child and family should be limited because court proceedings continue and the rights of other family members to confidentiality in these proceedings should be preserved.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Pursuant to H.R.S. Section 587-81, limited information about Peter Kema, Jr., will be released to the public.

2. The Department of Human Services shall prepare a synopsis of the allegations contained in the safe home guidelines submitted in this action.

3. The synopsis submitted shall include a description of the following allegations:

A. The injuries suffered by the child when he first came to the attention of the Department of Human Services.

B. The circumstances and allegations which caused the child to again come to the attention of the Department of Human Services.

C. All known accounts that have been provided to the Department of Human Services and law enforcement authorities about the circumstances of the child when he disappeared. Descriptions of such accounts shall include the location of the child when last seen, the names of persons that the child was

alleged to be with, and the dates that the child was last seen.

D. A photograph of the child.

E. Any other information or allegations that might assist members of the public in locating the child.

4. The synopsis prepared by the Department of Human Services shall be submitted to the Court for review and editing by noon on Friday, April 17, 1998.

5. The Court will make any necessary revisions to the synopsis and will fax a draft of the synopsis to all counsel. All objections or suggested revisions to the synopsis are to be faxed to the Court by no later than 4:00 p.m., Friday, April 17, 1998. The Court will release the synopsis as well as this court order to Mr. Gordon thereafter.

6. All other Court records in this action, as well as copies of Court records released to counsel, family members and/or law enforcement authorities shall not be released to the public or to the media without Court approval.

7. Copies of the synopsis, as well as this Order, shall be made available to other media representatives or members of the public upon request through Marsha E. Kitagawa, Director of Public Affairs, Office of the Administrative Director of the Courts.

Dated: Hilo, Hawai'i, APR 17 1998

*B. H. Pullen*  
Judge of the above-entitled court

# The Honolulu Advertiser

P.O. Box 3110 Honolulu, HI, 96802 (808) 525-8090

April 16, 1998

Ben H. Gaddis  
District Family Court Judge  
Third Circuit, Hawaii County  
Hilo, HI

Dear Judge Gaddis:

My name is Mike Gordon and I am a reporter with The Honolulu Advertiser. I am respectfully requesting whatever information you may be able to provide about Peter Kema Jr., a 6-year-old Hilo boy missing since September 1997. I understand that Child Protective Services and Family Court were involved in this case, but I do not know in what capacity. I am preparing a newspaper story on the Kema case and the status of the investigation into his disappearance.

Any help you may be able to provide in the form of documents or information would be greatly appreciated. I feel that this story needs a wider audience than it has had thus far; perhaps a reader will see the story and come forward with helpful information. If you have any questions, please call me at (808) 525-8012.

Sincerely,



Mike Gordon  
Reporter

APPENDIX "A"

COURT RELEASE

## MISSING CHILD: PETER KEMA, JR.

Peter Kema, Jr., is the seven-year-old son of Peter Kema, Sr., and Jaylin Kema. Peter Kema, Jr., is the subject of a missing-child investigation. He is also the subject of an open child protective matter originating on the Big Island. Peter Kema, Jr., was the subject of a prior child protective matter which was open from May 8, 1991, until October 31, 1995, when the matter was closed. The prior matter involved physical injuries to this young man when he was four months old. The injuries included a spiral fracture to the left leg. X-ray evidence confirmed other old healed fractures.

In April 1997, a report was made to the Department of Human Services, Child Protective Service, that Peter Kema, Jr., may have a broken arm. Subsequent investigation could not confirm this because the whereabouts of Peter Jr. were unknown.

Peter Kema, Jr., has not been seen by maternal relatives since December 1997. This child's father reports that his son was with him on Oahu in August of 1997, although it may have been as early as April or May of 1997. Further, Peter Kema, Sr., has also reported that he gave custody of his son to a Rose Makuakane, a woman he referred to as "Aunty Rose." Mr. Kema states that he and his son were staying at A'ala Park while on Oahu. Mr. Kema relates that he had known Rose Makuakane for a period of two weeks before he gave custody of his son to her.

10-0000140010 HFR 20 90 10-04 NO.000 P.09

Mrs. Kema does not know Rose Makuakane. Mrs. Kema believes that her husband had left Peter, Jr., with a relative but was not aware that the child had been left with someone she did not know. Mrs. Kema was not aware that Mr. Kema had given "custody" of their son to Rose Makuakane until January 20, 1998. Mrs. Kema did not give custody of her son to Rose Makuakane.

There have been a number of different stories given regarding the whereabouts of this child who remains missing since approximately April or May 1997. He is reported to be with Rose Makuakane, who may either be living on Oahu, or, who may have relocated to a beach in Florida. It was stated that the child had been enrolled in a private school on Oahu. It was stated that the child was on vacation on Oahu. Relatives had heard that the child was staying with a maternal uncle on Oahu. It was reported that the child was living in Kona with a paternal aunt and attending school there. However, there is no known record of Peter Kema, Jr., being registered in any public school within the state of Hawaii.

All reports regarding the disappearance and whereabouts of Peter Kema, Jr., have been followed up without success. Police have been unable to locate a Rose Makuakane. The parents do not know how to contact Rose Makuakane, and they are not able to locate their son. Child Protective representatives have asked this young man's parents to provide contact information for the child and also to bring the child to DHS offices on several

occasions. The parents have not brought the child to meetings, and the child has not been present on visits to the home. Peter Kema, Jr., remains missing.

If you or someone you know has information regarding the whereabouts of Peter Kema, Jr., or Rose Makuakane, please contact Detective Glenn Nojiri of the Hawaii County Police Department at 961-2327 or CrimeStoppers at 961-8300 (Hilo) or the Missing Persons Unit of the Honolulu Police Department at 529-3394 or 529-3115. Confidential reports are accepted.



BENJAMIN J. CAYETANO  
GOVERNOR



MARGERY S. BRONSTER  
ATTORNEY GENERAL

JOHN W. ANDERSON  
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
FAMILY LAW DIVISION - HILO OFFICE  
101 ALPUNI STREET, SUITE PH1014-A  
HILO, HAWAII 96720-4246  
TELEPHONE: (808) 933-8883 • FAX: (808) 933-8887

# FAX TRANSMITTAL

# RUSH

DATE: May 18, 1998

TO:



FAX NO. \_\_\_\_\_

FROM:

Alley K. Auna, Jr.  
Deputy Attorney General

FAX NO. 933-8887

### IF ANY TRANSMISSION PROBLEMS

CONTACT: Marilyne PH.#: 933-8883

10 PAGE(S) TO FOLLOW

Pls. review ASAP and contact me re. comments  
Thank you...  
(leaving scheduled for tomorrow)

#### WARNING:

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us at the above address via the U.S. postal service. Thank you.

**COPY**

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-A, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-8883

STATE OF HAWAII  
FILED

MAY 13 10 59 AM '98  
H. TAMANAHA

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  
[REDACTED]

) FC-S NOS. [REDACTED]  
) 98-34  
)  
) ORDER RE: CHAPTER 587, H.R.S.,  
) AS AMENDED  
)  
)  
)  
) HEARING: April 23, 1998  
)  
) HONORABLE BEN H. GADDIS

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

The following parties and/or individuals were present:

- [XX] JAYLIN M. KEMA \_\_\_\_\_, Mother;
- [XX] CRAIG SADAMOTO \_\_\_\_\_, Counsel for Mother;
- [ ] \_\_\_\_\_, \_\_\_\_\_ (FC-S No. \_\_\_\_\_);
- [XX] NATHAN BRENNER \_\_\_\_\_, Counsel for \_\_\_\_\_;
- [XX] PETER KEMA, SR. \_\_\_\_\_, Father (FC-S No. 98-34);
- [XX] STEVEN STRAUSS \_\_\_\_\_, Counsel for Mr. Kema;
- [XX] EDITH KAWAI \_\_\_\_\_, Guardian Ad Litem;
- [XX] \_\_\_\_\_, DHS Social Worker;
- [XX] \_\_\_\_\_, DHS Social Worker;
- [XX] \_\_\_\_\_, DHS Social Worker;
- [XX] ALEY K. AUNA, JR. \_\_\_\_\_, Deputy Attorney General;

The following parties were not present at the hearing:

- [XX] [REDACTED] who was represented by counsel.

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

*[Signature]*

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 Regarding Peter, there is reasonable cause to believe that continued placement in temporary foster custody is necessary to protect the child from imminent harm;
- B Regarding [REDACTED], there is reasonable cause to believe that placement in temporary foster custody is necessary to protect [REDACTED] from imminent harm;
- C Regarding [REDACTED] continuation in the family home would be contrary to the immediate welfare and best interests of [REDACTED];
- D Regarding [REDACTED], reasonable efforts were made by DHS prior to the placement of the children out of the family home to prevent or eliminate the need from removal of the children from the family home;
- E Regarding [REDACTED], reasonable efforts are being made or have been made by DHS to make it possible for the children to return to the family home.

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

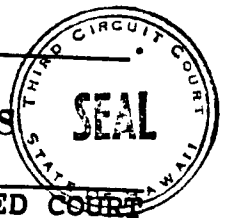
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 Regarding [REDACTED], the prior award of temporary family supervision is revoked and DHS is awarded temporary foster custody;
- 2 Regarding Peter, the prior award of temporary foster custody 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 return date hearing, which will be held on May 14, 1998, at 10:00 a.m., before the Honorable Ben H. Gaddis.

DATED: Hilo, Hawaii,

MAY 13 1998

BEN H. GADDIS



JUDGE OF THE ABOVE-ENTITLED COURT

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
101 Aupuni Street, Suite 1014-A  
Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: 933-8883

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

[REDACTED]

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

FC-S NOS. [REDACTED]  
98-34

EX PARTE ORDER FOR TEMPORARY  
FOSTER CUSTODY

EX PARTE ORDER FOR TEMPORARY FOSTER CUSTODY

An Oral Motion was made ex parte on April 22, 1998 by  
Department of Human Services for an order of temporary foster  
custody of [REDACTED]. Based upon the oral representations  
of [REDACTED] Social Worker for Department of Human Services,  
and having considered the records and files in the above-entitled  
matter, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Department of Human Services is awarded temporary  
foster custody of [REDACTED]

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

Clerk, Third Circuit Court, State of Hawaii

2. A hearing shall be held on April 23, 1998, at 1:30 p.m., before The Honorable Ben H. Gaddis;

3. All other consistent orders shall continue;

4. The Hawaii County Police Department shall assist Department of Human Services in securing the physical custody of

[REDACTED]

APR 23 1998

DATED: Hilo, Hawaii, \_\_\_\_\_.

BEN H. GADDIS (Seal)

JUDGE OF THE ABOVE-ENTITLED COURT

**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  
101 Aupuni Street, Suite 1014-A  
Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: 933-8883

98 APR 23 AM 11:02

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

[REDACTED]

) FC-S NOS. [REDACTED]  
) 98-34

) EX PARTE ORDER FOR TEMPORARY  
) FOSTER CUSTODY

EX PARTE ORDER FOR TEMPORARY FOSTER CUSTODY

An Oral Motion was made ex parte on April 22, 1998 by Department of Human Services for an order of temporary foster custody of [REDACTED] Based upon the oral representations of [REDACTED], Social Worker for Department of Human Services, and having considered the records and files in the above-entitled matter, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Department of Human Services is awarded temporary foster custody of [REDACTED]

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

Clerk, Third Circuit Court, State of Hawaii

2. A hearing shall be held on April 23, 1998, at 1:30 p.m., before The Honorable Ben H. Gaddis;

3. All other consistent orders shall continue;

4. The Hawaii County Police Department shall assist Department of Human Services in securing the physical custody of



APR 23 1998

DATED: Hilo, Hawaii, \_\_\_\_\_.

BEN H. GADDIS (Seal)

JUDGE OF THE ABOVE-ENTITLED COURT

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

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-A, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-8883

THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED

APR 8 3 44 PM '98  
H. TAMANAHA

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

[REDACTED]

FC-S NOS. [REDACTED]  
98-34

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

HEARING: April 6, 1998

HONORABLE GEORGE S. YUDA

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

The following parties and/or individuals were present:

- [X] JAYLIN M. KEMA \_\_\_\_\_, Mother;
- [X] CRAIG SADAMOTO \_\_\_\_\_, Counsel for Mother;
- [X] [REDACTED] \_\_\_\_\_, Father (FC-S No. [REDACTED]);
- [X] PETER KEMA, SR. \_\_\_\_\_, Counsel for [REDACTED];
- [X] STEVEN STRAUSS \_\_\_\_\_, Father (FC-S No. 98-34);
- [X] EDITH KAWAI \_\_\_\_\_, Counsel for Mr. Kema;
- [X] [REDACTED] \_\_\_\_\_, Guardian Ad Litem;
- [X] ALEY K. AUNA, JR. \_\_\_\_\_, DHS Social Worker;
- [X] ALICE TANIGUCHI \_\_\_\_\_, Deputy Attorney General;
- [ ] \_\_\_\_\_, Paternal Grandmother [REDACTED];

The following parties were not present at the hearing:

[ ] \_\_\_\_\_, who was/were  
either duly served or ordered to be present and having failed  
to appear after three calls were made, is/are defaulted at  
this hearing;

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

*[Signature]*

Clerk, Third Circuit Court, State of Hawaii



[X] STEVEN STRAUSS, who was/were  
~~represented by counsel accused.~~

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 Regarding Peter, there is reasonable cause to believe that continued placement in temporary foster custody is necessary to protect the child from imminent harm;

/ Regarding Peter, reasonable efforts were made by DHS prior to the placement of the child out of the family home to prevent or eliminate the need for removal of the child from the family home;

/ Regarding Peter, reasonable efforts are being made or have been made by DHS to make it possible for the child to return to the family home;

/ Pursuant to §587-63(a), H.R.S., as amended, there is an adequate basis (State's exhibits in evidence) to sustain the petition in that [REDACTED] are [REDACTED] whose physical or psychological health or welfare has been harmed or is subject to threatened harm by the acts or omissions of [REDACTED] family;

/ There is an adequate basis to invoke jurisdiction over the above-named [REDACTED] and the parties;

/ Regarding [REDACTED] family is presently willing and able to provide [REDACTED] with a safe family home with the assistance of a service plan;

/ Regarding Peter, the child's family is not presently willing and able to provide the child with a safe family home even with the assistance of a service plan;

/ Each party understands that he/she/they have no right to take or entice [REDACTED] from the lawful custody of DHS and/or remove [REDACTED] from the island of Hawaii without prior approval from the Court;

/ 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;

B The reasonable efforts findings are reserved pending locating Peter;

C Regarding [REDACTED], it is in the best interests of [REDACTED] that the prior award of temporary family supervision be continued;

/ \_\_\_\_\_  
\_\_\_\_\_  
/ \_\_\_\_\_  
\_\_\_\_\_

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 temporary family supervision is continued;

2 Regarding Peter, the prior award of temporary foster custody is continued;

/ The above-named [REDACTED] and parties come under the exclusive jurisdiction of the Family Court pursuant to §§587-11(9) and 571-11, H.R.S., as amended;

/ Regarding [REDACTED], DHS is awarded family supervision of [REDACTED];

/ Regarding Peter, DHS is awarded foster custody of the child;

3 All prior consistent orders shall remain in full force and effect until further order of the Court;

/ All parties are enjoined and restrained from removing [REDACTED] from the island of Hawaii without prior approval of the Court and the parties are hereby notified that any violation will be considered a felony and is extraditable pursuant to Chapter 586, H.R.S., as amended;

4 All parties shall appear at a continued return date hearing, which will be held on April 23, 1998 at 1:30 p.m., before the Honorable George S. Yuda;

/ 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 Report dated March 13, 1998, prepared by [REDACTED], Social Worker;

State's /

S The parents shall sign consents for Dr. Christopher Barthel limited to their involvement in the past FC-S case.

/

/

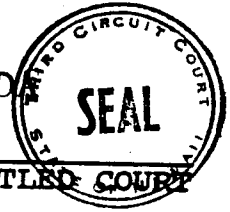
/

/

/

DATED: Hilo, Hawaii, APR - 8 1998

GEORGE S. YUD



ASSIGNED JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

*[Handwritten signature]*

\_\_\_\_\_

\_\_\_\_\_

In the Interests of the [redacted] and Kema Children;  
FC-S Nos. [redacted] and 98-34;  
ORDER RE: CHAPTER 587, H.R.S., AS AMENDED

MARGERY S. BRONSTER 4750  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-A, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-8883

Attorneys for the Department  
of Human Services

STATE OF HAWAII  
FILED  
MAR 20 1998  
H. TAMANAHA

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

[REDACTED]

) FC-S NOS. [REDACTED]  
) 98-34  
)  
) ORDER RE: CHAPTER 587, H.R.S.,  
) AS AMENDED  
)  
)  
)  
) HEARING: March 23, 1998  
)  
) HONORABLE GEORGE S. YUDA

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

The following parties and/or individuals were present:

- [ X ] JAYLIN M. KEMA, Mother;
- [ ] CRAIG SADAMOTO, Counsel for Mother;
- [ ] [REDACTED], Father (FC-S No. [REDACTED]);
- [ X ] PETER KEMA, SR., Counsel for [REDACTED];
- [ ] STEVEN STRAUSS, Father (FC-S No. 98-34);
- [ ] EDITH KAWAI, Counsel for Mr. Kema;
- [ X ] [REDACTED], Guardian Ad Litem;
- [ X ] ALEY K. AUNA, JR., DHS Social Worker;
- [ ] \_\_\_\_\_, Deputy Attorney General;
- [ ] \_\_\_\_\_;

The following parties were not present at the hearing:

[ ] \_\_\_\_\_, who was/were either duly served or ordered to be present and having failed to appear after three calls were made, is/are defaulted at this hearing;

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

*[Handwritten Signature]*

- [ ] \_\_\_\_\_, who was/were represented by counsel;
- [X] \_\_\_\_\_, who was/were not served.

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 \_\_\_\_\_ family is willing and able to provide \_\_\_\_\_ with a safe family home, the Court finds that:

- A A reasonable effort has been made to locate and serve \_\_\_\_\_, and it would not be in the best interests of \_\_\_\_\_ to postpone the proceedings until service can be completed;
- B Regarding Peter, there is reasonable cause to believe that placement in temporary foster custody is necessary to protect the child from imminent harm;
- C Regarding Peter, continuation in the family home would be contrary to the immediate welfare and best interests of the child;
- / Regarding Peter, reasonable efforts were made by DHS prior to the placement of the child out of the family home to prevent or eliminate the need for removal of the child from the family home;
- / Regarding Peter, reasonable efforts are being made or have been made by DHS to make it possible for the child to return to the family home;
- / Pursuant to §587-63(a), H.R.S., as amended, there is an adequate basis (State's exhibits in evidence) to sustain the petition in that \_\_\_\_\_ are \_\_\_\_\_ whose physical or psychological health or welfare has been harmed or is subject to threatened harm by the acts or omissions of \_\_\_\_\_ family;
- / There is an adequate basis to invoke jurisdiction over the above-named \_\_\_\_\_ and the parties;
- / Regarding \_\_\_\_\_ family is presently willing and able to provide \_\_\_\_\_ with a safe family home with the assistance of a service plan;
- / Regarding Peter, the child's family is not presently willing and able to provide the child with a safe family home even with the assistance of a service plan;

D Each party understands that he/she/they have no right to take or entice [redacted] from the lawful custody of DHS and/or remove [redacted] from the island of Hawaii without prior approval from the Court;

~~/~~ 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;

E Regarding [redacted] it is in the best interests of [redacted] that DHS be awarded temporary family supervision of [redacted]

F <sup>other</sup> Reasonable efforts, efforts findings are reserved

~~/~~

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1 Regarding [redacted] DHS is awarded temporary family supervision of [redacted];

2 Regarding Peter, DHS is awarded temporary foster custody of the child;

~~/~~ The above-named [redacted] and parties come under the exclusive jurisdiction of the Family Court pursuant to §§587-11(9) and 571-11, H.R.S., as amended;

~~/~~ Regarding [redacted] DHS is awarded family supervision of [redacted];

~~/~~ Regarding Peter, DHS is awarded foster custody of the child;

~~/~~ All prior consistent orders shall remain in full force and effect until further order of the Court;

3 All parties are enjoined and restrained from removing [redacted] from the island of Hawaii without prior approval of the Court and the parties are hereby notified that any violation will be considered a felony and is extraditable pursuant to Chapter 586, H.R.S., as amended;

4 All parties shall appear at a continued return date hearing, which will be held on April 6, 1998 at 8:00 A.M., before the Honorable George S. Yuda;

/ 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 Report dated March 13, 1998, prepared by [REDACTED] Social Worker;

State's \_\_\_\_\_  
\_\_\_\_\_;

/ \_\_\_\_\_  
\_\_\_\_\_;

/ \_\_\_\_\_  
\_\_\_\_\_;

/ \_\_\_\_\_  
\_\_\_\_\_;

/ \_\_\_\_\_  
\_\_\_\_\_;

/ \_\_\_\_\_  
\_\_\_\_\_.

DATED: Hilo, Hawaii, \_\_\_\_\_ MAR 30 1998 \_\_\_\_\_.

GEORGE S. YUDA



ASSIGNED JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

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

**COPY**

STATE OF HAWAII  
FAMILY COURT  
THIRD CIRCUIT

**ORDER APPOINTING  
GUARDIAN AD LITEM**

CASE NUMBER

FC-S NO. [REDACTED]  
98-0034

In the Interest of [REDACTED]  
[REDACTED]  
PETER KEMA, JR., and [REDACTED]  
(FC-S 98-0034),

GUARDIAN AD LITEM (Name, Address, & Phone No.)  
EDITH KAWAI  
P. O. Box 160  
Kamuela, HI 96743  
885-0788

Children under the age of eighteen years.

GUARDIAN AD LITEM FOR (Name)  
[REDACTED]  
PETER KEMA, JR., & [REDACTED]

Good cause appearing, IT IS ORDERED that pursuant to HRS Sections 560:5-105, 571-8.5(8), 571-24, 571-46(8), 571-47, 578-17, 584-9, 587-34 and/or HFCR 17(c) and 152, the person indicated above be appointed guardian ad litem to protect the interests of the minor child named above until final disposition of the case or unless sooner discharged by the court subject to the "Duties of a Guardian Ad Litem (GAL)" set forth on the reverse of this Order Appointing Guardian Ad Litem and incorporated herein.

IT IS ALSO ORDERED that said guardian ad litem shall serve effective: March 19, 1998

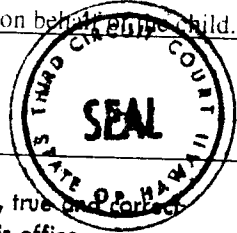
- without bond
- without compensation but shall receive reasonable costs
- as a volunteer of the Volunteer Guardian Ad Litem Program, said Program having the authority to act on behalf of the volunteer.
- and shall receive reasonable fees and costs
- fee and/or cost may be payable in whole or in part by an individual or agency, or by the court as the circumstances may justify
- \_\_\_\_\_ may be required to reimburse the court for fees and costs paid as circumstances may justify and in an amount to be determined by the court.

IT IS FURTHER ORDERED that the guardian ad litem shall:

- (1) Be allowed access to the child by the caretakers of the child whether caretakers are individuals, authorized agencies, or health care providers;
- (2) Have upon presentation of this order to any agency, hospital, organization, school, individual or office, including but not limited to the Clerk of this Court, human services and/or child caring agencies, public or private institutions and/or facilities, medical and mental health professionals, law enforcement agencies and the Attorney General, the authority to inspect and receive copies of any records, notes, and electronic recordings concerning the child that are relevant to the proceedings filed under this chapter without the consent of the child or individuals and authorized agencies who have control of the child;
- (3) Hold any information received from any such source as confidential, and shall not disclose the same except to the court and where allowed by the court, to other parties to this case and where provided by law;
- (4) Be given notice of all hearings and proceedings including but not limited to administrative, family, civil, criminal, grand juries or appellate; and all conferences including but not limited to multi-disciplinary team meetings, individual educational program meetings or interagency cluster meetings, involving the child and shall protect the best interest of the child therein, unless otherwise ordered by the court;
- (5) Appear at all court hearings, proceedings and conferences to protect the best interest of the child unless otherwise directed by the court; and
- (6) Have party status in any agreement or plan entered into on behalf of the child.

DATE Assigned JUDGE  
**MAR 19 1998**  
Hilo, Hawaii

*Debra S. Zwick*




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

*[Signature]*  
Clerk, Third Circuit Court, State of Hawaii

FILED  
MAR 19 11 50 AM '98  
HI TAWANAHUA  
STATE OF HAWAII

CC: Fiscal  
Appointed GAL  
Family Court Director  
DAG - A. Auna  
✓ DHS - [REDACTED]



STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	<b>ORDER APPOINTING COUNSEL          FOR FATHER</b>	CASE NUMBER FC-S NO.98-034
In the Interest of:  PETER KEMA, JR. Born on May 1, 1991  		COUNSEL (NAME & PHONE NO.): STEVEN D. STRAUSS 969-6684  COUNSEL FOR (Name): PETER J. KEMA


Good Cause Appearing, IT IS ORDERED that pursuant to HRS section 587-34(a) that counsel indicated above is appointed to represent the person(s) named above until final disposition of the case, unless sooner discharged by the court.

IT IS ALSO ORDERED that said counsel shall serve effective: March 25, 1998

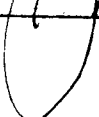
without bond.

without compensation.

and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual or agency, or by the court as the circumstances may justify.

cc: Appointed Counsel  
 DAG - A. Auna  
 DHS -   
 GAL - E. Kawai  
 Counsel/Mother - C. Sadamoto  
 Fiscal  
 Family Court Director

CLERK  
 MAR 31 1 03 PM '98  
 STATE OF HAWAII  
 THIRD CIRCUIT

DATE	JUDGE  
------	--

001

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	<b>ORDER APPOINTING COUNSEL          FOR MOTHER</b>	CASE NUMBER FC-S NO. <span style="background-color: black; color: black;">[REDACTED]</span> 98-034
In the interest of: <span style="background-color: black; color: black;">[REDACTED]</span> ..... PETER KEMA, JR. 05/01/91 <span style="background-color: black; color: black;">[REDACTED]</span>		COUNSEL (NAME & PHONE NO.) CRAIG M. SADAMOTO 935-0033 COUNSEL FOR Name: JAYLIN M.A. KEMA

Good Cause Appearing, IT IS ORDERED that pursuant to HRS section 587-34(a) that counsel indicated above is appointed to represent the person(s) named above until final disposition of the case, unless sooner discharged by the court.

IT IS ALSO ORDERED that said counsel shall serve effective: March 25, 1998

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

cc: Appointed Counsel/Mother  
 A. Auna - DAG  
[REDACTED] - DHS  
 E. Kawai - GAL  
 S. Strauss - Counsel/Father  
 Fiscal  
 Family Court Director

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

STATE OF HAWAII  
 FILED  
 MAR 25 3 29 PM '98  
 H. TAMANAHA

DATE <b>MAR 25 1998</b>	JUDGE BEN W. GADDIS (Senior)
----------------------------	---------------------------------

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

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
101 Aupuni Street, Suite 1014-A  
Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: 933-8883

STATE OF HAWAII  
MAR 13 10 58 AM '98  
H. TAMANAHA

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

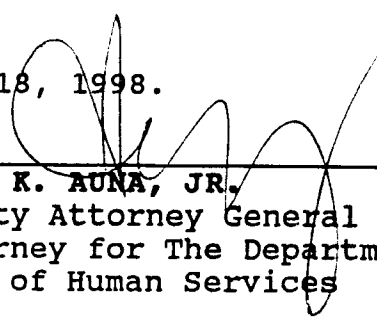
[REDACTED]

) FC-S NOS. [REDACTED]  
) 98-034  
)  
) NOTICE OF FILING; SAFE FAMILY  
) HOME REPORT; SERVICE PLANS #1  
)  
) DATE: March 23, 1998  
) TIME: 1:00 p.m.  
) JUDGE: GEORGE S. YUDA

NOTICE OF FILING

PLEASE TAKE NOTICE that the attached Safe Family Home Report and Service Plans #1 dated March 13, 1998, and prepared by [REDACTED], Social Worker for The Department of Human Services, is hereby being submitted to the Court pursuant to Section 587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, March 18, 1998.

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

Child Protective Service is a specialized child welfare service that is time limited. It is not intended to address all of the family's problems, but rather to resolve the most critical problem(s) which will reduce the risk of further harm to the child.

Confidential Report of the  
Department of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF:

[REDACTED]

[REDACTED]

PETER KEMA JR.

Born on May 1, 1991

[REDACTED]

Children under the age  
of eighteen years.

FC-S No.: [REDACTED] 98-034

SAFE FAMILY HOME REPORT;  
SERVICE PLAN #1

**SAFE FAMILY HOME REPORT**

(March 13, 1998)

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

The following information concerns the current situation relevant to each of the 14 guideline criteria set forth in HRS 587-25. (Numbers in ( ) indicate numbers as set forth in statute.)

This is the initial report intended to be reviewed in conjunction with each of the prior reports submitted in this case.

I. CHILDREN: (1-3)

a. Current situation (1):

[REDACTED] has very good attendance at school; in the fall of 1997, [REDACTED] was absent only one time in the first quarter. [REDACTED] academic grades show that [REDACTED] has a GPA of 2.6, according to [REDACTED] teacher. [REDACTED] high marks are in Writing (B-), Social Studies (B), Science (B-). [REDACTED] has S+ in the area of Speaking, Art, Health, Personal and Social Attitudes. [REDACTED] does [REDACTED] homework.

[REDACTED] was only absent two times during the fall of 1997. [REDACTED] academic work was marked "S", satisfactory in all subjects. [REDACTED] received an "S+" in "Speaking" capability, and in Music, in Health in Personal and Social Attitudes and in Work Habits. Also written is that [REDACTED] does [REDACTED] homework.

Peter Jr. is a six year old boy, whose whereabouts are not known by DHS. He was last seen by [REDACTED] [REDACTED] in December, 1996. He was never brought to DHS by the parents, as were the other [REDACTED] DHS has not been able to locate Peter's registration in school in any public school; neither parent has shown that he is registered in any private school.

[REDACTED] is a four year old [REDACTED], who has not attended school; [REDACTED] has remained at home with Mother. [REDACTED] stated attending the preschool in a Hilo Methodist Church.

[REDACTED] a baby girl sibling, who was born on August 20, 1996; according to the parents, the baby girl, [REDACTED], died on August 21, 1996. She was given a social security number; but according to Mother, there were no funeral provisions. Mother also stated there were twin girls who were born at five months gestation stillborn in early 1992; she denies there was domestic fighting just previous to the loss of the babies, but the loss of the twin girls did follow the removal of [REDACTED] from her care the preceeding May, 1991.

b. Harm (2):

On or about May 8, 1991 a report was received by DHS alleging physical abuse of [REDACTED] and [REDACTED] and [REDACTED] and Hawaii Police Department (HPD) after Mother contacted HPD requesting the police assistance in having [REDACTED] returned to her. [REDACTED] had [REDACTED] with them and told DHS that Mother had signed a written statement designating Father's half sister, Dorothy Kepano, to have temporary custody of [REDACTED] because Mother was going to visit her newborn, Peter Jr. born on May 1, 1991, at Kapiolani Hospital (Kapiolani Medical Center for Women and Children, Honolulu, HI.).

According to [REDACTED] Paternal Aunt, Dorothy Kepano, took [REDACTED] to visit [REDACTED] in Kona, West Hawaii after [REDACTED] had allegedly asked to see [REDACTED]. [REDACTED] reported to DHS that she observed "marks on [REDACTED]". When she asked [REDACTED] how [REDACTED] got the mark on [REDACTED], [REDACTED] said, "Peter (Mother's boyfriend) did it." [REDACTED] asked [REDACTED] about the mark on [REDACTED]. [REDACTED] responded, "Peter". DHS social worker sought [REDACTED] in the hospital waiting room. Mother's [REDACTED] was watching the two children. DHS social worker observed a slight brownish/yellowish discoloration on [REDACTED] cheek. On [REDACTED] lower cheek, there was a dark pink discoloration. DHS social worker attempted to talk with [REDACTED] who told [REDACTED] "Tell the lady who gave you that mark; tell her." [REDACTED] would not speak with DHS social worker about the marks nor anything else. [REDACTED] covered [REDACTED] face with [REDACTED] hands and turned, facing the wall. West Hawaii determined that because Mother's residence was in East Hawaii, the [REDACTED] were referred to contact the East Hawaii DHS office to make a report of Child Abuse and Neglect. The report was confirmed for physical abuse of [REDACTED] by Peter Kema, then Mother's boyfriend. The [REDACTED] were placed in protective custody and placed [REDACTED]. The case file was transferred from West Hawaii DHS office to East Hawaii DHS office for case management services.

On or about August 12, 1991, report was received by DHS from Hilo Medical Center alleging physical abuse to Peter Jr., Mother's [REDACTED]. The medical reporter stated that Peter Jr.'s [REDACTED] requested a report be made to DHS regarding the nature of

Peter Kema, Jr's injuries. The caller stated that Peter Kema Jr. was brought to the emergency room on August 11, 1991 at about 1655 hours by Mother, Jaylin Acol. She reported to the Emergency Room physicians that she noticed the child's left knee was swollen and red. She felt that he may be in need of medical treatment. Mother stated that the previous night, August 10, 1991, Peter Jr. was very fussy. She did not offer any explanation to the physician how it was that Peter, Jr. received the injuries.

According to the caller, the child has old multiple fractures but the medical reporter does not know where the injuries are located. The reports and x-rays have not been received by the attending physician. The new injuries include a fracture to the left knee. The left knee is red and swollen. The medical reporter stated that [REDACTED] consulted with Dr. Richard Lane who is confirming that the child, Peter Jr., has old fractures as well as a new injury to the left knee. The reporter stated that the location of the old fractures were not recorded on the form immediately available at the time the report was made.

The emergency physician noted on the report that the injuries appeared "suspicious", i.e. as to origin. At the point of DHS intake, the perpetrator are unknown; however, the only caretakers known to DHS are Mother, Jaylin Acol, and Father, Peter Kema, Sr.

This report of physical harm of four month old Peter Jr., where "extensive skeletal damage, primarily to the metaphyseal area caused by twisting of limbs, which was completely unexplained by either parent. The parents had been the only caretakers for the infant" according to the DHS social worker. Although the DHS social worker did not conclude the parents were the perpetrator of the harm and yet did not have another person who may have been the perpetrator. The child was placed out of the home, [REDACTED] and under the care of [REDACTED] until sometime in June, 1995. At that time, [REDACTED] were returned to Mother and Mr. Kema, Father of Peter and [REDACTED] and Stepfather to [REDACTED]

On or about April 4, 1997, a report was received by DHS alleging physical abuse to Peter Kema, Jr. age five years and eleven months. The reporter, a therapist, stated that a client and relative of the Mother, Father and [REDACTED] [REDACTED], stated an opinion that Peter Jr.'s arm is broken. At an earlier time, the client knew Mother and had a relationship described as "close" with the

relative-client. The relative stated an opinion that the harm was caused by Father "who may have abused the child and not Mother"; furthermore, the relative added that Peter Jr. is dressed in long-sleeved shirts "all the time." The relative who spoke with the reporting therapist suspects that the family will be moving from the Nanawale house. The relative added that Peter Jr. has been seen "to eat puppy shit and is made to sit on the floor", suggesting that this is not the case with [REDACTED], in addition to being degrading for the child. No further information was provided at that time from the reporting relative's family.

On June 18, 1997, the report was received by DHS Petitioner and a home visit was made to the Nanawale home on the corner of Niihau and Flower streets. The only house was a dull-gold colored prefabricated house, which was empty. There was no sign of inhabitants' belongings. The address was 724 Niihau Street.

On or about June 19, 1997, it was learned that Mother and Father and [REDACTED] moved from Nanawale area to 133 Puhili Street, Hilo in the Kaumanu area. There was a phone connected at the time.

On or about June 25, 1997, Petitioner made a home visit; Father came out of the ranch-style home. He was soft-spoken but pleasant; he invited Petitioner inside the garage area door. He said they were just moving in. Table and chairs had broken seats and the inside appeared to be in need of cleaning. He said that Mother went to a WIC (appointment) and would not be returning for several hours; [REDACTED] went with her. Petitioner did not stay to interview him, but requested that he, Mother and [REDACTED] Peter Jr. and [REDACTED], also come with the parents. An appointment time was set for June 26, 1997 at 9:00 AM at the DHS office; he agreed they would be there.

On or about July 7, 1997, the parents came to DHS office with [REDACTED] after cancelling two previous appointments, on or about June 26 and June 27, 1997. Mother and Father would not interview separately. Their primary reason was that CPS had taken their children once before (Kona, 1991), and they contended they were very anxious about even being in the CPS office. The report of April, 1997 was in the interest of the absent child, Peter Jr., who was said to have a broken arm by an anonymous mandatory reporter who worked with the minor who knows the Kema children. The minor



thought that Peter Jr.'s arm was broken by Father; upon hearing this, the mandatory reporter contacted DHS.

Mother talked about Peter Jr. "Peter was sick and didn't go to school; he stayed home from school. When he got well, we got a letter from the school (asking) where he was. He was not allowed to return to school, the same day he fell from a tree. It happened between November 22, 1996 and November 28, 1996. Jr. was playing outside, they were chasing each other." (Reference was made to the previous residence in Nanawale area.) Peter had been on the back porch. He jumped from a trunk of a tree, about four feet high or less. [REDACTED] stated that Peter Jr. was standing on the tree about seven or more feet high just before he jumped.) Mother continued saying that Peter (Jr.) stood on it pretending to be kicking. "He was standing on top of the (tree) stump. [REDACTED] was outside. I saw him on the tree stump; then I saw him on the ground. Then, he came to me and said his arm 'was sore'. But he moved his forearm; then he said he had 'a sore hand'." Both parents tended to minimize the injury of Peter Jr. and the child's telling of his pain. The parents said they took him to the doctor at Paho Health Center on the next day, after Peter Jr. had complained of pain. However, Mother contended that the doctor at Paho Family Health Center had stood in front office area, looked at the child's arm and determined that the arm was "not broken". She said that the doctor had not taken the child into the examining room, nor was the child's arm x-rayed. Mother said the doctor told them, "Wrap up his arm", suggesting that his arm would be "okay". Then Mother said that Peter (Jr.) was staying at a paternal aunt and uncle's home "until mid-August" (1997), calling his absence "a vacation"; however, she would not give the name or any information about Peter Jr.'s caretakers or his condition. Mother agreed to bring Peter Jr. to the DHS office on August 15, 1997, when she said he would have returned home. (At the time, it was not recognized by DHS Petitioner that this was the date of Admissions Day, a holiday; the clients also did not mention this at the time.)

Mother blamed [REDACTED] for making the reports to DHS, and expressed her anger towards her [REDACTED]. Father agreed with what Mother said. Specifically, Mother said that her [REDACTED] told her that she could not name her [REDACTED] after her brother. She added that her mother would not let her breastfeed her baby, nor take care of [REDACTED]. Mother would not give reasons why [REDACTED] would have made these requests. Mother added that [REDACTED] wants [REDACTED] to go visit them, complaining about one

outing when [REDACTED] were taken bowling by the [REDACTED]

Mother also was asked about her [REDACTED]; Mother told of losing babies during pregnancy and blamed the miscarriages on her own medical condition of diabetes, although this has not been confirmed by DHS. She said that she "lost a baby boy, August, 1990, before Peter, Jr." Mother mentioned "losing twins; they came out in pieces," but the dates and specifics are not known, here.) Mother told of death of her last baby, [REDACTED] born August 20, 1996 but who died on August 21, 1996; for this child, the parents did not have a funeral, and the parents did not find that omission unusual. (According to [REDACTED] on October 1, 1997, the deceased babies are buried in a cemetery in Kona.)

Mother was the primary spokesperson; Father presented himself as though he was a victim and encouraged Mother to answer questions, not disagreeing with her statements. The relationship between the parents was presented as one of agreement; however, there was disproportionate sadness and remorse, which was apparent, especially with Mother. Father was quiet and did not demonstrate emotional caring or take an initiative in expressing compassion towards Mother. This absence in the presence of Mother's need was apparent. Mother repeated with Father's quiet agreement, that they mistrust CPS (Child Protective Service/DHS) "because of what they did to us. They took [REDACTED] (from us in 1991) and also placed with [REDACTED] in 1995."

On or about June 30, 1997, Mother agreed to return to the DHS with Peter, Jr., since the parents had not brought him to the DHS interview. Mother agreed to August 15, 1997 at 1:00 P.M.; however, the appointment day was later identified as Admissions Day and the DHS office was closed. Mother did not contact DHS and while the parents had an answering machine, the phone was then disconnected.

On or about June 30, 1997, Petitioner telephoned the Pahoia Family Health Center and requested information about the history of [REDACTED] medical care, having sent a consent form signed by Mother.

On or about July 17, 1997, a representative of Pahoia Family Health Center telephoned DHS leaving a message that Peter Jr. "is currently on Oahu, paternal aunt (no name) is taking care of him; HMSA Quest and primary care physician is the Pahoia Family Health Center. The date of Peter Jr.'s last physical exam was December 15, 1995,

eighteen months earlier (unlike Mother's report). The preschool physical examination showed there were "no injuries" (observed). Although the previous medical doctor providing medical care was Dr. Wesly Sugai, in Kailua-Kona, Mother did not request for the medical records to be sent to the Pahoa Family Medical Center, to the current medical doctor of Peter Jr. In addition, there was no information received by the Pahoa Family Health Center from any other doctor who may have treated Peter Jr. in the past, e.g. Kapiolani Medical Center.

On or about July 24, 1997, Petitioner spoke with the mandatory reporter, whose client had voiced a concern for Peter Jr.'s health. The reporter stated that the relative used to go to Peter Jr.'s Mother for support. The relative told the therapist that Peter Jr. had to wear his underwear on his head at age three or four, which was humiliating to the child; the relative also said that the child had to sit on the ground and eat, rather than in a chair, which was also humiliating to the child. The other family members thought that Peter Jr. continued to be abused. Peter Jr. was last seen in December, 1995.

On or about August 21, 1997, Petitioner spoke with [REDACTED] inquiring about where she may think [REDACTED], Peter Jr., would be. She said that [REDACTED] told her that Peter Jr. is with her brother, Maternal Uncle, Reed Acol, who lives in Honolulu. But this was found to be untrue. [REDACTED] told Petitioner, "We don't know who Peter Jr. is staying with."

On or about August 19, 1997, Petitioner made another visit to the Kaumana home but found the windows shut tightly. There were two cars parked in the garage, the sound of clothes dryer running. Upon knocking at the door and calling their names, there was no sound of voices nor did anyone come to the door. On the same day, Petitioner telephoned the family home, but there was no answer, except the answering machine with Mother's voice. A message was left for Mother to pick up the telephone or to return the call the next day.

On or about September 17, 1997, Maternal Uncle, Reed Acol, stated that in the second week of September, 1997, he coincidentally talked with Mother when she appeared next door to his workplace. He stated that he thought his sister and [REDACTED] were on Oahu when [REDACTED] were taken from her. "Our lives were torn apart. I told Jaylin (Mother) that I could not be apart of their problems. I told [REDACTED] would

not fight with them about Jaylin (Mother). When my wife met me three years ago, she saw Peter boy, how he is. All I know is that he had a broken leg. They were fighting then (1994). My sister (Mother) told me that Peter Boy was living with Peter's (Sr.) aunt in Honolulu, learning Hawaiian stuff. I don't know the name of his aunt. [REDACTED] doesn't know the name of the aunt."

On or about October 1, 1997, [REDACTED] stated, "Nobody in our family has seen Peter, Jr. in a while. We saw [REDACTED] December 14, 1996. We saw Peter Jr. at Aunt Dorothy's (Father's half-sister) funeral. Mother was close to her. Mother had moved to Ka'u and then to Kaumana area."

On or about October 2, 1997, Petitioner made a visit to the Kaumana Elementary School to interview the [REDACTED] [REDACTED] an eight year [REDACTED] is in the third grade. [REDACTED] said, "Peter lives with Auntie Nani in Kona. We go mostly every week to see Peter Jr. I don't know where they live or their last name." [REDACTED] said the last time they saw Peter Jr. "was when I went to school" in September, 1997. She added, Auntie does not work. She lives in Kona. Her children are in school, one in high school and the other two children are in elementary school. Their name is Kobayashi." [REDACTED] said that Peter Jr. is staying there. "He's in grade one. I don't know when he's coming back." [REDACTED] said that the last time they talked with Peter Jr. on the telephone was in January, 1997. "Peter had a cast on his arm, the left. I was in the second grade when it happened. That's when he went to the doctor; I forget the name of the doctor, at Pahoia Health Center." [REDACTED] gave an explanation of the injury to Peter Jr. "Peter Jr. fell out of a tree in Pahoia, in our back yard in Nanawale Estates. You drive down Flower street, turn left, onto Niihau Street, the first house on the right. The tree was in the back yard, left rear. I think Dad cut it down. No, I didn't see Peter Jr. fall. At that time, I was in my room in the house. Peter Jr. was playing with [REDACTED] We had a small ladder. A single bed was under the tree so we would not get hurt. When Peter Jr. jumped from the tree, he did not land on the bed. [REDACTED] told Mom and Mom told me to get Peter Boy in the house. Mom carried Peter Jr. into the house. I gave Mom what she needed. He hurt his leg. It was his left leg on the knee. Peter Jr. did not want to walk. He was crying 'Mom, Mom'. It was his left arm that was broken. Then Peter Jr. was crying out loud. We put him in the car and Mom took Peter Jr. to the doctor. The same

(thing) as we did when [REDACTED] had warts; we went to Dr. Mc Callister's office. The cast was on his left arm. I saw it when he came home. Then Mom sent Peter Jr. to Dad's own Auntie."

[REDACTED] said the family visited Honolulu on January 1, 1997 for two weeks and saw Auntie Nani Kobayashi (also known as Lee Ann Kobayashi and spouse, Jay Kobayashi). Peter Jr. knew that he was going to Kona. Peter Jr. doesn't live with us. He wanted to visit his auntie; he wants to go to school there, in Kona. Our stepdad (Father of Peter Jr.) treats us the same as Peter Jr.; Mom treats us the same as Peter Jr. It's not that they (Mother and Father) don't want him. I tell Peter Jr. that I miss him, too. Dad says he worries about him. When [REDACTED] were asked "Why don't the parents bring Peter Jr. back to Hilo to live with the family?" [REDACTED] can not give a reason except, "Peter wants to go to school in Kona."

On or about October 2, 1997, [REDACTED], age ten was interviewed by Petitioner; [REDACTED] is attending grade five at Kaumana Elementary School. [REDACTED] said that [REDACTED] last saw Peter Jr. in June, 1997. "We lived in Nanawale Estates. He broke his arm. We, [REDACTED], were trying to make a tree house. He was at the edge of the platform and he fell. I was in the house talking with Dad (Stepfather). [REDACTED] said that Peterboy fell out of the tree. I don't know if he broke something. Mom was in the house. I ran and helped him. I asked 'Are you hurt?' He could not move his left arm. Dad covered his arm with a towel. He stayed home overnight; the next day, our parents (Mother and Stepfather) took Peter Jr. to the doctor. His leg was not broken. Then we moved from there to Kaumana. I don't know why Peter Jr. does not live with us. It's been over two weeks since we talked on the telephone. Dad (says) that he calls Peter Jr.; I don't know where he is, now. They tell us they want Peter Jr. "to learn something", but [REDACTED] says that he does not know what that is.

On or about December 23, 1997, the [REDACTED] [REDACTED], left a message at DHS that Mother reported that Peter Kema Jr. moved out of the home on June 17, 1997, and that he left the Big Island in October, 1997 for Oahu and did not come back to the Big Island. She had no other information about this child.

On or about December 23, 1997, Petitioner telephoned [REDACTED] to inquire about Peter Jr. and news from other family members. [REDACTED] stated

"All the family is asking 'Where is he?'" Maternal Aunt, age twenty-two was home and spoke with Petitioner. She said that Peter Jr. is never with Mother and the other [REDACTED] own sister lives in Hilo but she does not have news from her of the child's whereabouts. Mother's sister exclaimed, "My nephew is missing. I don't want to think about it. Let [REDACTED] deal with it!"

On or about December 26, 1997, [REDACTED] contacted Petitioner. He told of his concern for his [REDACTED] Peter Jr. He said that he last saw the child after his baby sister, [REDACTED], died (August 21, 1996) at the funeral of Paternal Aunt, Dorothy Kema in early 1997. At that time, [REDACTED] said that Peter Jr. "had a black eye and one arm was spained. Mother said that she had taken Peter Jr. to the doctor; medical care was given at Pahoia Health Center. Mother told [REDACTED] that she was told by doctor that his arm wasn't broken, but 'to wrap it up'. At this time, [REDACTED] was receptive to taking the initiative and filing a missing person report on Peter Jr.

On or about December 29, 1997, Petitioner contacted a private school which was suggested by extended family to possibly have Peter Jr. registered with them. The school, Punana Leo School administration in Keaau stated there was no record of Peter Jr. being registered in their schools at Keaau or Keaukaha, although they transfer their students to public schools, since this is a preschool program. (DOE administration had been contacted by Petitioner earlier, and stated that Peter Kema Jr. was not registered in any public schools.)

On or about January 8, 1998, Petitioner made a home visit in the morning, but there was no car in the garage area; no one answered the door. The jealousy windows were shut. An officer was asked to accompany Petitioner, but there was no response to the knock.

On or about January 9, Petitioner again requested to have an officer accompany to the Kema home. This time, Mother came to the door, stepped into the garage area and was willing to talk with Petitioner. She was unable to answer questions about where her son, Peter Jr. is. She was unwilling to talk about her own fear of her husband, or about their separation, in which he stayed in Honolulu. She wept when pushed to give answers about what appeared to be her own complacency about the welfare [REDACTED] Peter Jr. She seemed to let Father take the child, and then to forget about the

child's needs. She would not express anger towards Father, but she did refer to her dislike of her own mother, [REDACTED]. While her apparent willingness to let her son be lost to her own caring, was not acceptable to Petitioner nor was it acceptable to the officer, she was willing to file a missing person report on behalf of her child only after she was questioned and she wept. It was noticed that Mother has gained a great deal of body weight, appearing to neglect her own appearance, perhaps preoccupied with various emotional conflicts. Upon being questioned about Peter Jr.'s whereabouts and what had happened to him in the last eighteen months, Mother finally agreed to make a missing person report with the officer who was present on behalf of her son.

On or about January 21, 1998, Mother was interviewed by Detective Nogiri at the Hawaii Police Department; Petitioner sat in on the interview. Mother stated that it was the day prior, January 20, 1998, that she "found out" from Peter Sr., her husband, that he had given Peter Jr. "to a lady in Aala Park," (Honolulu, HI.). The date is not known. Mother said that she knew that Peter Jr. went with Father, Peter Sr., to Oahu but that she had not known that Father "gave up all rights (of Peter Jr.) to Auntie Rose." Mother wept as she spoke. Then she added, "No, I don't know Auntie Rose." She also said that she thought that Father left Peter Jr. "with a family member," and that Father had told her in August, 1997, he would place Peter Jr. in a Kona (Big Island) School.

Mother blamed her [REDACTED] for "taking away" their experiences as parents, referring to the time period between Fall, 1991 and June, 1995, when [REDACTED] were placed in foster care and [REDACTED]. She described their role when she said, "We found out that [REDACTED] turned us into CPS (Child Protective Service)." She spoke of resentment towards her [REDACTED] when she then had to "ask permission to visit" [REDACTED] at the [REDACTED] home. She added, "I want to raise [REDACTED] my way."

Mother stated that Peter Jr. was only three months old when one day Mother and Father took [REDACTED] to the beach. "I went in a store in Keaukaha. Peter (Father) came inside the store. [REDACTED] was jumping on him, (Peter) Jr. We thought everything was okay. He (Peter Jr. seemed) was alright. Next morning, his (Peter Jr.'s) leg was swollen. I took him to the hospital the next day. Then, they took [REDACTED] into custody. I hadn't found out until later that his leg was fractured,

something wrong. Later, in court, I found out he had a fracture in his arm and left leg. The night (before taking Peter Jr. as a baby to the emergency room), we played with the baby in the water. He was crying. I thought the water was cold. He was laying down."

Mother again gave her explanation of the DHS report of April, 1997. She said that in November, 1996, Peter Jr. was playing in the back yard (of their former residence in Nanawale). He used to jump off (a stump) and play like "ranger", television character. The first time Jr. jumped, he slipped his leg and fell on his left side. He got on the stomp but kept going. He came to me and said, "My arm is sore." He said it started to hurt. I waited a little while. Next morning, I took him to the doctor to Pahoia Health Center. Dr. McCallister said it was sprained. He said, 'Keep a wrap on it.' He was walking and running; he was back to normal. In June, 1997, I went to CPS office to talk to (Petitioner)." The last time I saw him (Peter Jr.) was August, 1997; he was in good health. (Mother wept.) Mother said that Father came back (to the Big Island) for one day, August 15, 1997 because she had an appointment with Petitioner; Mother stated that Father took the child on August 16, 1997, back to Oahu "and didn't bring the child back." I have no idea what has been happening (to the child) between August, 1997 and today (January 21, 1998). Mother and Father had separated in December, 1997, "split up". Father just said that they were going. He said that he couldn't take care of Peter Jr. Mother did not have a ready answer when asked whether Father's explanations were "hard to believe" for her. Mother then stated, "I feel that Peter (Jr.) is a lost child. I feel like he's alone. No, I don't know who Rose is."

Immediately after the interview with Mother on January 21, 1998, Detective Nogiri and Petitioner met Peter Kema Sr. in the HPD waiting room, he declined to be interviewed on this date. His reason for not participating in the interview, was that he had an emergency doctor's appointment. Mother spoke for him, saying that he had "chest pains and can not keep his appointment" with Detective and Petitioner; Father sat with his head downward.

On or about January 21, 1998, [REDACTED] called to say that Mother's phone was not in service. Petitioner and [REDACTED] spoke briefly about the last time she had seen Peter Jr., soon after New Year, 1997; the Peter Jr., and [REDACTED] were at the funeral of Dorothy Kema, a half sister of Father, in December, 1996. Petitioner inquired whether the



[REDACTED] had filed a missing person report on the child but they had not. [REDACTED] commented that she did not think the other [REDACTED] are safe with [REDACTED]. [REDACTED] recalled seeing Peter Jr. at the home of the Paternal Aunt, Lee Ann Kobayashi and her husband, around January 3, 1997, one year previous and that he was crying because [REDACTED] left him there. [REDACTED] reminded Petitioner that Peter Jr., [REDACTED] were with a licensed foster parent from September, 1991 for three months. After that time, [REDACTED] lived with [REDACTED] until they returned to Mother and Father sometime in June, 1995; during the first two years, [REDACTED] said that Mother and Father did not ask to visit the children. [REDACTED] also said that she is concerned that [REDACTED] "are programmed to say things", i.e., she believes that one or both parents are telling [REDACTED] what they must say to Petitioner.

Petitioner informed [REDACTED] that missing person report was filed on January 9, 1998 by Mother. Petitioner was at the home while she made the report to the Assisting Officer.

On or about February 19, 1998, [REDACTED] contacted DHS, stated they had made posters for Peter Jr., the day after they saw the published picture of him as a missing child. [REDACTED] stated that she had tried to talk with [REDACTED], Mother of Peter Jr. and [REDACTED] but Mother was found to be "very defensive, rude and unwilling to talk." [REDACTED] added that she is "scared that Mother and Father might snap and hurt the other [REDACTED] When we had talked with the other [REDACTED], they looked at the parents, to see what they would say. When Peter (Father) yells, [REDACTED] jump."

On or about February 26, 1998, Petitioner visited the family home. Mother came outside to the garage area and was willing to talk; she said that Father was not home but "job hunting." Upon asking whether she knows anything more about her son, Peter Jr., she said they are "waiting for a letter" from the woman whom Father said he gave the child to. The name that Father had given was Rose Kaumakua, a Hawaiian woman who was known for her skill in Hawaiian crafts. She repeated that it was at Aala Park in Honolulu "at a lei stand", that Father gave away her son to a woman, allegedly named Rose Kaumakua. Mother said that she does not know her way around Oahu, that she has not lived there, except in 1989 when she lived with

[REDACTED]

On or about March 9, 1998, Father and Mother appeared at the DHS office, after Mother had canceled two previous recent appointments set for Father to speak with Petitioner. Mother tried to follow Father but was told he would be interviewed, alone. Father said that he is now working, fishing with "Jimmy" whose name he doesn't know; his first payday will be March 13, 1998. Father was asked to take off his wife hat and designer oval sunglasses, which gave him an appearance contrary to his personality. Father did not offer information but was led through a period of time, initially starting in November, 1996, when his half-sister, Dorthy, was deceased; this had been one of the last times family members saw Peter Jr.

Father said he was the youngest of eight children; his mother died when he was age five. His mother had a man who lived with them, Moses Makuakane. Moses lived with them for five years before her death. Upon her death, Moses had his "cousin", Rose Makuakane of Halawa, Oahu, come to live with them for approximately two weeks. He states that Moses had worked in a security job at a Keahou golf course in Kona in the early 1980's. Moses left the home to live with his own sister and is now deceased.

Father said that he did not see Rose Makuakane again, after she left the home to move to Oahu. He states until September, 1997 and did not find it inconsistent that he turned over a child to a woman whom he had known for two weeks, fifteen years ago. Father complained when this discrepancy was pointed out; he complained that Petitioner didn't understand, he had lost his mother (death) and this "cousin" of Moses being in the house for two weeks, made her a close family person. He said that after meeting her a week earlier, that he told himself that he could not take care of Peter Jr. Father said that he lived "on the grass" at A'ala Park in Honolulu, where homeless people congregate. He said he stayed in a tent meant for eighteen people, but that it was not a place for Peterboy. "I ran out of food stamps; I ran out of money." When asked what he got from Rose Makuakane in return for giving his son, he did not speak, wrenched his face and appeared to bite his tongue. He said that she made Hawaiian hats, taking a full day to make one. He said that she wanted to move to the mainland, to Florida because it would be cheaper there. He said that he thinks she is living on the beach in Florida, "where she can make her hats, and everything costs less there."

When asked about the cost of travel and living there, he said, "This is the reason she is selling her hats, to get her plane ticket to the mainland." Father appeared to believe what he said. He appeared to think that his answers were logical. He claims to have decided to give his son away, saying he wrote a letter to Rose, made a copy of it at the 7-11 store near Aala Park in Honolulu. He said that he thought, "I can't feed him good. I can't take care of him." Father reports that he then gave the boy with the paper statement, to Rose Makuakane. He states that he believes that he "gave up rights of parenting" to Rose Makukane; he felt that he could make this decision, without any reference to legal process. Father's capabilities to reason, make decision of sound judgement and make responsible parental decisions appears to be minimal and he may have fabricated the whole story. The police have not established that a person named Rose Makuakane exists.

c. Placement (3):

[REDACTED] remain with Mother and Father when he has been in the family home.

II. FAMILY: (4-10, 13)

Mother:

a. Background (4):

Mother is Jaylin M. Acol Kema, a twenty-eight year old woman, who has born [REDACTED] and [REDACTED] live with her, one child's whereabouts are unknown to DHS and one child is deceased the day following birth (August 21, 1996). Mother also stated that she gave birth to twin girls who were stillborn, at five month gestation on or about February 27, 1992. [REDACTED] was born when she was sixteen years old; the father [REDACTED] according to Mother. They lived together in Makaha, Oahu in 1989 when Mother was nineteen years old. At that time, [REDACTED] Mother stated that in May, 1991, [REDACTED] were first taken away from her and placed in a foster home. The second time they were placed away from Mother, she said, was in August, 1991; at that time the

children were placed with [REDACTED], Mother said that [REDACTED] "were not supposed to be given to the [REDACTED] That is, Mother and her spouse, Peter Kema, Sr., Father of [REDACTED], Peter Jr. [REDACTED] did not agree to [REDACTED] taking [REDACTED], where they reportedly remained until June, 1995.

Mother is the third of five siblings, "the oldest girl"; she has two twin brothers who are older than herself. Her ethnicity is mixed; she is Filipino, Spanish, Chinese and Japanese. During her growing up years, she was closest to her younger brother, Reed Acol, "but not after I started having children." The youngest of the five is her sister, Neieveva, age 23, who lives with [REDACTED]. Now, Mother is not on talking terms with her own family members. Mother states that Father graduated from Waieka High School; she claims to have graduated from Kona Waena High School. She and Father were married January 11, 1992.

Mother states that the family lived in Nanawale Estates for four years, i.e. from 1993 to June, 1997.

b. Current situation (5-10, 13):

1. Mental health (5): Mother denies that Father has been physically abusive to her, except that she did identify a date of 1990, on an ATV intake assessment form. In July, 1997 interview, Mother stated that she and Father had family counseling from "Kit" Bartel, also known as Christopher Bartel, Ph.D., although she said they stopped family therapy because he left the state (of Hawaii). They could not say what they had gained from their family counseling.
2. Domestic violence (6): On January 9, 1998, Mother denied that Father had physically harmed her, except in the early part of their relationship. She denied that he had threatened to harm her or [REDACTED].
3. Substance abuse history (7): It is not known whether Mother and/or Father have used street drugs in the last few years. They have not been tested for drug use.

4. Perpetrator of harm (8): [REDACTED] tell of Peter jumping out of the tree play area and not landing on a single bed, placed under the tree to catch the jump. In the July, 1997 interview, Mother said that he jumped off a tree stump about four feet high; Father quietly agreed with her. The parents contended they took Peter Jr. to the doctor at Pahoehoe Family Health Center on the day following the hurt left arm; the staff at the center state that Peter had not been seen by the doctor since 1995 for a school physical. Mother has a history, along with Father, of having been the probable perpetrator of harm to Peterboy, when he was only four months old. There were fractures identified at that time; neither parent either admitted to the harm nor told on the other parent.
5. Protective non-perpetrator (9): Mother appears to protect Father in ways, e.g., telephoning to make excuses for him not keeping DHS appointments, and for not interviewing with Det. Nogiri on the same day she was interviewed at HPD in February, 1998 although he was waiting in the waiting area.
6. Parenting ability (13): Mother's parenting abilities may be better for older child than for a younger child. However, she seemed to not be interested in the welfare of this child; this has not been explained satisfactorily. A psychological assessment of Mother's parenting ability may provide more specific information. Mother repeated that she is "waiting for a letter" from Rose Makuakane", the woman whom Father says he gave their son.
7. Support system (10): Mother has her own family, which includes her biological parents, her younger sister, and her older brother; however, neither sibling will reach out to Mother because they seem to ask questions about Mother's apparent lack of mothering care for this one child. The immediate maternal-family is unable to explain why Mother can be willing to forget a child. The extended family members have not forgotten Peter Jr. and worry that serious harm has come to him. The familial support would be for Mother, but for her apparent lack of caring for this child, Peter Jr.

**Father:**

a. Background (4):

Father is Peter J. K. Kema, Sr., a twenty-seven year old male, appearing of stocky or overweight build for his height. He is Hawaiian. He claims to have graduated from Kona Waena High School. Father had been employed as a security person at Hilo Lagoon Center in 1992. He has not been employed for some time. He stated that he has been in a relationship with Mother since 1989.

He is the youngest of eight children; Joseph was the oldest, a severely mentally retarded brother, who became epileptic after "falling off a balcony at school. Detective Nogiri provided information that Joseph was kept in a room away from the house, secluded. Joseph was said to have died in his forties and Father would not talk about his care, behavioral problems and contacts within the family. Father would not talk about his disabled brother, he only said that "everybody took care of him," Joseph, who was about twenty-five years older than he. His next half-siblings is Rachel with whom he lived, and who currently works in a local school cafeteria on the Big Island. His half-sister, Dorothy, died in November, 1996, one of the last few times other family members saw Peter Jr. He has a brother, Henry, who is deceased due to a medical cause; he has a brother Benji, in his forties, who lives on the island of Hawaii. The brother immediately above him is Thomas, age twenty-nine. He did not offer current information about his siblings.

Father said that when his father, Thomas N. Kema, died, he was age five, 1975; he stated that his own father was "smashed by a bull" while working as a rancher; after being paralyzed, "he died at home." His own mother died he was age twelve. His sister, Lee Ann Kobayashi, was fourteen years old and thirteen year old brother, Thomas, went to live with friends or neighbors because they didn't have food to eat. He went to live with his cousin, Moses Makuakane. Father states that at the age of twelve, he had trouble in school. "I flew a chair at a boy after he flicked a staple in my eye. Then I accidentally hit the teacher with my arm", when he said he thought he was swinging his arm backwards to hit the other boy. After that he was expelled; his next school was Mt. View Elementary.

b. Current situation (5-10, 13):

1. Mental health (5): According to Mother in an ATV application in April, 1992, they had not had domestic violence between themselves in two years.
2. Domestic violence (6): Father would not give information about their relationship except they "separated" sometime in mid-1997. Mother denies that Father has hurt her recently, physically or emotionally;
3. Substance abuse history (7): His drug history is unknown.
4. Perpetrator of harm (8): Father had one conviction of Burglary in 1992. Mother does not talk about Father hurting herself or [REDACTED]. However, a family member had made a report in April, 1997, alleging that Father was thought to be the one who injured Peterboy. Father has a history, along with mother, of being the only caretaker of Peterboy when he was an infant, and had documented fractures at the age of four months.
5. Protective non-perpetrator (9): Father does not present as a protective non-perpetrator.
6. Parenting ability (13): Father does not respond as though he is caring individual, although when the [REDACTED] were interviewed in October, 1997, they denied being hurt by Father.
7. Support system (10)

III. SERVICES (11,12)

a. Compliance to Service Plan (11)

The parents resent that DHS has been involved in their lives again and Mother blames this on [REDACTED]. She has made only courtesy contacts with Alternative to Violence. Neither Mother nor Father are known to have participated in counseling or chemical dependency assessment. Neither are known to have participated in counseling except that Mother claims to have been in counseling with a psychologist who is not believed to be in this area, unavailable to confirm serious counseling pattern.

b. Risk/safety issues (12)

Mother and/or Father may be willing to seriously get into services. However, this is not assured, since they did not take their role of parenting serious. They have "lost" a child and not only fail to express convincing regret, but appear to be self-satisfied with keeping their one child from [REDACTED] and DHS, all of whom present negative responses from both parents.

IV. ASSESSMENT (14)

a. Dynamics

This family has been isolated from other family members, a pattern which Mother has fostered. Father, has a history of neglect and absence of belonging to a caring unit, either a substitute unit or family of origin. The references which are made by Father are associated with dates of death, manner of death, meetings at the time of another's death, loss of family due to death, etc. Mother is unwilling to be receptive to her [REDACTED] assistance. During the several years [REDACTED] were caretakers of [REDACTED], the young Mother and Father who were dealing with their own emotional problems, may not have been included in the family life of [REDACTED]. Mother and Father do not have network of friends and Mother is estranged from members of her own family, but now has the company of Father. He does not appear to have friendly relations with his older siblings.

The parents' emotional depressiveness, lack of willingness to accept assistance from others, their negative attitude, does not appear to be bolstered by a high intelligence capabilities. They may have fabricated stories to make it appear that what they say happened to Peter Jr., happened. In reality, the boy's whereabouts and lack of anyone identified who has seen this child, renders a lack of optimism that this child will appear without serious injury.

These parents may have provided for [REDACTED] [REDACTED] may need to have diagnostic assessments to assure that [REDACTED] is being provided with what is age appropriate upbringing.



V. RECOMMENDATION:

- a. Foster Custody for Peter Kema Jr. born on May 1, 1991;
- b. [REDACTED]
- c. Service plan #1 be ordered.

I have reviewed this document.

[REDACTED] 3/16/98  
[REDACTED] Acting Supervisor Date  
[REDACTED] Representing the Department of Human Services

STATE OF HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
Family & Adult Services Division

SERVICE PLAN #1

Date: March 16, 1998 FC-S Number: [REDACTED]

Children's Name: [REDACTED] DOB: [REDACTED]

[REDACTED] DOB: [REDACTED]

This service plan is between JAYLIN M. A. KEMA ("Mother") [REDACTED] ("Presumed Father") and PETER KEMA, SR. ("Stepfather") and the Department of Human Services.

**THIS PLAN WILL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT.**

**I. FOCUS:**

Mother will participate in a support group for adult victims of family violence, e.g. ATV woman's support group participation;

Mother will participate in psychological evaluation and recommendations for treatment, e.g. individual mental health therapy to address issues such as former traumatic experiences e.g. sex assault, to address and work through emotional relationships of her nuclear family, towards development of a healthy sense of self-confidence and other issues which are defined in therapy;

Mother will participate in group parenting class to gain a broader sense the parenting protective role towards the step-siblings, Peter Jr. when he is found and [REDACTED] and [REDACTED] recognizing emotional and special needs of each child;

Mother will work with the DHS social worker to assure [REDACTED] receive the individual or family counseling to address their emotional needs of loss and isolation;

Mother will provide a safe home with or without Father and Stepfather living in the family home;

Father will participate in services if he chooses to be active with [REDACTED] which he has not.

Stepfather will participate in a psychological evaluation to determine the extent of his depression and/or other emotional factors; if anger management is recommended, then the

Alternatives to Violence Program may provide the anger management group component;

Mother and Stepfather may be referred to YWCA Family Support Team, since the child's age for acceptance into the Family Support Services program is seventeen. Dr. Horace Black may be available to provide therapy for Stepfather.

Both Mother and Stepfather may participate in a parenting class for young children which may be provided at YWCA or Family Support Services.

**II. GOAL:**

  X   To make the family home safe and with a nurturing environment for [REDACTED] and [REDACTED] and Peter Kema Jr., when he is found, being a missing child.

**III. OBJECTIVE:**

Learn, practice and demonstrate communication skills with other adults and children in [REDACTED] home without becoming violent and dangerous to the adults or children or that foster depression in the parent or child;

Learn, practice and demonstrate nurturing parenting skills enabling the parent to provide a safe family home for each child.

Learn, practice and demonstrate healthier self-concepts through life style of interest in others and healthier understanding of the parents' earlier role as victim's within their own families of origin;

**IV. THINGS TO BE DONE;**

**Mother:**

1. Attend the Women's Support Group for victims of domestic violence at the Alternatives to Violence Program;
2. Attend and successfully complete parenting class for intermediate school age children at Family Support Services;
3. Attend and participate in personal psychological evaluation at Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;

**Stepfather:**

1. Attend the anger management classes at Alternatives to Violence at ATV;
2. Participate in a psychological evaluation at the Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;
3. Attend and participate in personal psychotherapy until clinically discharged, e.g. with Dr. Horace Black;

**C. DHS Social Worker:**

1. Provide direction towards learning information necessary to participate in classes and services;
2. Motivate Mother and Stepfather to enroll in appropriate classes and counseling services.
3. Visit the family at the family home and provide basic crisis and motivating counseling services at the time of the visit.

**V. OUTCOMES:**

By the next court hearing, based on the progress and evaluation of services in this plan, DHS will reassess the goal and may recommend additional services.

**YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING \_\_\_\_\_ WHO ARE THE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY UNLESS YOU ARE WILLING AND ABLE TO PROVIDE \_\_\_\_\_ WITH A SAFE FAMILY HOME WITHIN THE REASONABLE PERIOD OF TIME SPECIFIED IN THIS SERVICE PLAN.**

**VI. SIGNATURES:**

This plan has been reviewed with me.

\_\_\_\_\_  
 Jaylin M. Acol Kema Date  
 Mother

\_\_\_\_\_  
 \_\_\_\_\_ LSW Date  
 DHS Social Worker

3/14/98

\_\_\_\_\_  
 \_\_\_\_\_ Date  
 Presumed Father

\_\_\_\_\_  
 Peter Kema, Sr.  
 Stepfather

I certify I have reviewed this document.

[REDACTED]  
[REDACTED] Acting Supervisor      Date  
East Hawaii Intake and Assessment Unit  
Representing the Department of Human  
Services

STATE OF HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
Family & Adult Services Division

SERVICE PLAN #1

Date: March 16, 1998 FC-S Number: 98-034

Children's Name: PETER KEMA, JR. DOB: May 1, 1991

[REDACTED] DOB: [REDACTED]

This service plan is between JAYLIN M. A. KEMA ("Mother") PETER KEMA, SR. ("Father") and the Department of Human Services.

**THIS PLAN WILL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT.**

**I. FOCUS:**

Mother will participate in a support group for adult victims of family violence, e.g. ATV woman's support group participation;

Mother will participate in psychological evaluation and recommendations for treatment, e.g. individual mental health therapy to address issues such as former traumatic experiences e.g. sex assault, to address and work through emotional relationships of her nuclear family, towards development of a healthy sense of self-confidence and other issues which are defined in therapy;

Mother will participate in group parenting class to gain a broader sense the parenting protective role towards Peter Jr. when he is found, and [REDACTED] recognizing emotional and special needs of each child;

Mother will work with the DHS social worker to assure the children receive the individual or family counseling to address their emotional needs of loss and isolation;

Mother will provide a safe home with or without Father living in the family home;

Father will participate in a psychological evaluation to determine the extent of his depression and/or other emotional factors; if anger management is recommended, then the Alternatives to Violence Program may provide the anger management group component;

Mother and Father may be referred to YWCA Family Support Team, since the child's age for acceptance into the Family Support Services program is seventeen. Dr. Horace Black may be

available to provide therapy for Father.

Both parents may participate in a parenting class for young children which may be provided at YWCA or Family Support Services.

**II. GOAL:**

  X   To make the family home safe and with a nurturing environment for Peter Kema Jr., [REDACTED]

**III. OBJECTIVE:**

Learn, practice and demonstrate communication skills with other adults and children in [REDACTED] home without becoming violent and dangerous to the adults or children or that foster depression in the parent or child;

Learn, practice and demonstrate nurturing parenting skills enabling the parent to provide a safe family home for each child.

Learn, practice and demonstrate healthier self-concepts through life style of appropriate self-care, interest in others and healthier understanding of the parents' earlier role as victim's within their own families of origin;

**IV. THINGS TO BE DONE;**

**Mother:**

1. Attend the Women's Support Group for victims of domestic violence at the Alternatives to Violence Program;
2. Attend and successfully complete parenting class for intermediate school age children at Family Support Services;
3. Attend and participate in personal psychological evaluation at Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;

**Father:**

1. Attend the anger management classes at Alternatives to Violence at ATV;
2. Participate in a psychological evaluation at the Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;

3. Attend and participate in personal psychotherapy until clinically discharged, e.g. with Dr. Horace Black;

**C. DHS Social Worker:**

1. Provide direction towards learning information necessary to participate in classes and services;
2. Motivate Mother and Father to enroll in appropriate classes and counseling services.
3. Visit the family at the family home and provide basic crisis and motivating counseling services at the time of the visit.

**V. OUTCOMES:**

By the next court hearing, based on the progress and evaluation of services in this plan, DHS will reassess the goal and may recommend additional services.

**YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING PETER KEMA JR. AND DEVALYNN KEMA WHO ARE THE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY UNLESS YOU ARE WILLING AND ABLE TO PROVIDE PETER KEMA JR. WITH A SAFE FAMILY HOME WITHIN THE REASONABLE PERIOD OF TIME SPECIFIED IN THIS SERVICE PLAN.**

**VI. SIGNATURES:**

This plan has been reviewed with me.

\_\_\_\_\_  
Jaylin M. Acol Kema Date  
Mother

\_\_\_\_\_  
LSW Date  
DHS Social Worker

\_\_\_\_\_  
Peter Kema, Sr. Date  
Father

I certify I have reviewed this document.

\_\_\_\_\_  
Acting Supervisor Date  
East Hawaii Intake and Assessment Unit  
Representing the Department of Human  
Services



STATE OF HAWAII

FAMILY COURT  
THIRD CIRCUIT

ORDER APPOINTING COUNSEL

CASE NUMBER

FC-3 NO [REDACTED]

IN THE INTEREST OF [REDACTED] CHILDREN

COUNSEL (NAME & PHONE NO.)

NATHAN BRENNER  
808 969-7707

COUNSEL FOR (Name)

[REDACTED]  
Children under the age of  
eighteen years.

Good Cause Appearing, IT IS ORDERED that pursuant to HRS section 587- 34 (a)  
that counsel indicated above is appointed to represent the  
person(s) named above until final disposition of the case, unless sooner discharged by the court.

IT IS ALSO ORDERED that said counsel shall serve effective: April 13, 1998

without bond.

without compensation.

and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual or agency, or by the court as the circumstances may justify.

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

*[Signature]*  
Clerk, Third Circuit Court, State of Hawaii

cc: DAG: Aley K. Auna, Jr.  
DHS/SW: [REDACTED]  
GAL: E. Kawai  
Counsel/Mother: C. Sadamoto  
Court-appointed counsel - N. Brenner  
Fiscal  
Family Court Director

Next hearing is set for 4/23/98, at 1:30 p.m.

CLERK

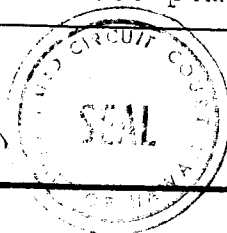
APR 16 11 57 AM '98

STATE OF HAWAII  
THIRD CIRCUIT  
FILED

DATE  
APR 16 1998

JUDGE

*[Signature]*



ASSIGNED

9/11/97

To Whom it may concern,


I Peter Kema Sr. do give up all Parental Rights for my son Peter Kema Jr. to my auncy Rose Makua Kane. I am seeking the best care for my son at this time. I am unable to care for his welfare and I will know his needs will be met.

Peter J. Kema Sr.

DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

MAR 23 1998

EH INTAKE/ASSESSMENT UNIT  
HILO, HI 96720

  
NOTE THAT  
PETER KEMA SR.  
GAVE ROSE M.  
WHEN HE GAVE  
HER PETER-BOY.

Child Protective Service is a specialized child welfare service that is time limited. It is not intended to address all of the family's problems, but rather to resolve the most critical problem(s) which will reduce the risk of further harm to the child.

Confidential Report of the  
Department of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF:

[REDACTED]

[REDACTED]

PETER KEMA JR.  
Born on May 1, 1991

[REDACTED]

) FC-S No.: [REDACTED]

) FC-S No.: 98-34

SUPPLEMENTAL SAFE FAMILY HOME REPORT  
(April 28, 1998)

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

The following information concerns the current situation relevant to each of the 14 guideline criteria set forth in HRS 587-25. (Numbers in () indicate numbers as set forth in statute.)

This is the initial report intended to be reviewed in conjunction with each of the prior reports submitted in this case.

I. CHILDREN: (1-3)

a. Current situation (1):

[REDACTED] is an [REDACTED] year old [REDACTED] who is in the [REDACTED] grade at Kaumana Elementary School. [REDACTED] continues to attend the same school since being placed in a licensed foster home.

[REDACTED] is an [REDACTED] year old [REDACTED] who is in the [REDACTED] grade at Kaumana Elementary School. [REDACTED] continues to attend Kaumana School since being placed in a licensed foster home.

Peter Jr. is a six year old boy, whose whereabouts are not known by DHS. He was last seen by [REDACTED] in December, 1996. He was never brought to DHS by the parents, as were the other [REDACTED]. It was learned that Peter attended a preschool in the Nanawali residential area for a matter of days. According to [REDACTED], the parents kept him home alot because he was "sick". Reportedly, the preschool released the child due to his absences.

[REDACTED] is a [REDACTED] year old [REDACTED], who has been attending Kamehameha [REDACTED] in Hilo town.

b. Harm (2):

On or about April 21, 1998, a meeting was held between Hawaii Police Department Detective, Lieutenant and Major; Department of Human Services social workers, unit supervisor, and psychologist who had provided therapy for Jaylin and Peter until 1995. HPD was firm in their position there was no cause to place the [REDACTED] into foster care. The psychologist expressed concern that if Peter Jr. is found that criminal charges were made that Peter Sr. would tend to express anger and be dangerous in relation to Jaylin and/or the [REDACTED]. The CPS supervisor tended to agree with the psychologist.

On or about April 21, 1998 a Child Protective Service Team meeting was held and included the social worker, unit supervisor, Branch Administrator; the social worker assigned in the period of 1991 to 1995 was absent. HPD detective was unable to be present due to a Grand Jury meeting held at the same time; another HPD personnel was invited. DAG was unable to be present due to a court appearance at the same time. Of the treatment providers were Drs. Wesley Sugai, Robert McAlister and psychologist, Christopher "Kit" Barthel, only the psychologist was able to be present. Dr. Brian Wilson, was present as was psychologist, Dr. Walter Jaeckle.

After some discussion among the members, recommendations were made by the CPS Team and include the following. That a foster home placement be made in the Hilo area to provide a safe place for [REDACTED] and "easy visitation with the parents" with effort to maintain constancy in the school lives of [REDACTED]. Note is

made that [REDACTED] should not be returned to the parents if Peter Jr. is not found (alive). An alternative recommendation was given where [REDACTED] would be kept in the parents' home, but that services would be in place to monitor the family's daily living, provide daily accountability of the family after the school year ends and to keep [REDACTED] safe from explosive acting out on the father's part. Special services were suggested as homebased services, therapeutic aid, counseling for the parents, utilization of school counselor services while school is in session.

On or about April 22, 1998, a teleconference was held between the Honolulu Program Development Supervisor, the Hawaii Branch Administrator, the East Hawaii Assessment and Intake Unit and assigned social worker. The decision was that the social worker would place [REDACTED] into a foster home, immediately. On or about April 22, 1998, at approximately 1052 hours, DHS social worker and SSA were accompanied by an HPD Sargent and Officer, arrived at the Kaumana Elementary School and met briefly with the Principal, Ms. Julie Ignacio. [REDACTED] were brought to the office and transported by DHS to the DHS office. After having a lunch, they were transported by the foster parent to the foster home. The foster parents are transporting [REDACTED] each day, to Kaumana Elementary School.

A second recommendation of the CPS team was regarding the role of the Hawaii Police Department. The Detective continues to be in contact with DHS social worker almost on a daily basis.

A third recommendation was that visitation be facilitated between the [REDACTED] and the parents. On Friday, April 24, 1998 the first visit was had for both parents, although Father was late due to returning from a Honolulu trip with HPD. The second visit was scheduled for April 27, 1998 and also on April 28, 1998. On April 27, 1998, the foster parent had been informed to bring [REDACTED] on the following day. Therefore, Jaylin and Peter Kema talked for approximately forty-five minutes with the Child and Family Service social worker who will be working with them in their home and elsewhere, with them, focusing on parenting and family adjustment issues.

Recommendations regarding [REDACTED] needs include:

1. to provide psychological treatment for [REDACTED] regarding the disappearance of their brother, Peter, Jr. In this regard, the medical doctor, Dr. Natalie Delue, of Bay Clinic recommended that [REDACTED] be provided with psychiatric counseling. Plan: Although three psychiatrists, Drs. Dennis Lee, Henry Yang and Lane D. Matsumura, were asked to provide psychiatric

evaluation for members of this family, on April 28, 1998, they declined.

2. To review the medical and hospital records of Dr. Sugai in Kona, so as to determine [REDACTED] health, details of Peter Jr.'s injuries and other unexplained injuries. It is noted that Pahoia Family Health Care has provided medical care for [REDACTED], although the last notation for Peter Jr. was in June, 1995. Dr. Sugai may be willing to send the medical records via currier with the Court Order for Family Supervision and Mother's
3. To continue to work with HPD Detectives regarding investigations into various aspects of this case. They will continue to be requested by DHS to participate in team and civil criminal conferences as scheduled at CAC.
4. To speak with Dr. McCallister regarding the visit to the Pahoia Clinic to examine Peter Jr.'s arm, in order to determine the extent and evaluation of the injury. On April 27, 1998, DHS social worker was told by Pahoia Family Health Center staff, that Dr. McCallister will not be talking with DHS because the staff was told "not to talk with anybody" (regarding Kema or [REDACTED] children). DHS was told to talk with Executive Director of Bay Clinic, Ms. Stephanie Launiu, (969-1427).
5. To contact all the orthopedic doctors in Hilo to learn if Peter Jr. had a cast put on his arm between November, 1996 and April, 1997, so as to learn the extent of the child's injury. Of five orthopedic physicians or orthopedic groups, three stated that Peter Kema, Jr. had not been treated; however, one orthopedic physician was not available on the telephone but another, Dr. John Bellotti's office, stated that Peter Kema, Jr. was treated by Dr. Bellotti of Kealahou, HI., but would not give any information until a consent form is received.
6. To obtain copies of miscarriage and death records of the children still born and/or miscarried by Jaylin, to determine the causes and whether domestic violence was involved. Hilo Medical Center and Kapiolani medical center are being requested with consents from Mother, for medical records of the above.

Recommendations for services directed towards the caretakers, Jaylin Acol Kema and Peter Kema, Sr. include the following: 1. To have a psychological evaluation to determine each parent's level of functioning and ability to provide a safe home. In addition, DHS seeks to know the substance of Peter Kema Sr.'s statements, his motivations and alternative factors which may have led to his behavior, i.e. that he "gave away" Peter Boy to a woman named Rose. In addition, heretofore unknown

information may surface which may be useful in locating Peter Jr. DHS has requested local psychiatrists to provide an evaluation of each of the parents. However, none have agreed; therefore, East Hawaii CPS Team nurse agreed to request the same from Kapiolani CPS Team psychiatrist.

2. To provide psychological counseling for each parent in relation to what is known and what is unknown about Peter Jr.'s whereabouts and wellbeing.

3. To review medical records of the parents. Treatment given at the Hilo Medical Center and Kapiolani Hospital for Women and Children will be requested for incidents of acute injury, birth or miscarriages and any other significant medical information.

4. To check with local airlines regarding the tickets and trips of Peter or Jaylin Kema during 1997. Hawaii Police Department has made checks into the interisland trips of the caretakers. Nothing new is known to DHS.

5. Finally, a re-teaming is suggested in May, 1997.

On April 23, 1998, a medical doctor who provided medical examination of [REDACTED] relayed individual concerns for each child. Her primary concerns were that [REDACTED] had a [REDACTED] i.e. [REDACTED] suggesting sexual abuse. She found that [REDACTED] but not what she would consider strictly "normal" for a [REDACTED] year old. Dr. Delue was concerned that [REDACTED] have [REDACTED] asthma machine, which was brought for the child to the office by Mother on April 23, 1994. While effort was made to coordinate a sex abuse examination on the evening of April 23, 1998, the examination was completed by the SANE, sex abuse nurse examiner, at Hilo Medical Center, according to protocol. Post examination, the nurse made it clear to DHS and to the Detective Randy Medeiros, that while the [REDACTED] and other anatomy was in the natural state for a [REDACTED] [REDACTED]. The [REDACTED] was attributed to poor hygiene on the part of the [REDACTED] year old child. The allegations of sex abuse were unconfirmed.

c. Placement (3):

The [REDACTED] [REDACTED] were placed out of the home of Jaylin Acol Kema and Peter Kema on April 22, 1998. They were placed in a licensed foster home which is approximately eighteen miles from the parents' home.

II. FAMILY: (4-10, 13)

Mother:

Jaylin Acol Kema and Peter Kema, Sr. continue to reside together, since he returned to the Big Island from Oahu, even though they both stated that they had "separated" in relation to their marriage. They have lived alone since [REDACTED] [REDACTED] were placed out of their home on April 22, 1998.

V. RECOMMENDATION:

- a. Foster Custody of [REDACTED] and [REDACTED] be awarded to DHS;
- b. Foster Custody of Peter Kema, Jr. be continued;

Respectfully submitted by,

[REDACTED], MSW, LSW  
DHS Social Worker

I have reviewed this document.

[REDACTED] EHIAU Supervisor Date  
Representing the Department of Human Services



MARGERY S. BRONSTER 4750  
Attorney General

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
101 Aupuni Street  
Suite 1014-A, Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: (808) 933-4786

Attorneys for Petitioner

FILED 10-3-8  
J. LEWIS  
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S No. 98-034
KEMA [REDACTED]	)	PETITION FOR
Peter, Jr.,	)	[REDACTED]
Born on May 1, 1991;	)	AND FOR FOSTER CUSTODY
[REDACTED]	)	(WHEN LOCATED)
[REDACTED]	)	
[REDACTED]	)	
[REDACTED]	)	

PETITION [REDACTED]  
AND FOR FOSTER CUSTODY (WHEN LOCATED)

Mother's Name/Address

JAYLIN M. KEMA  
Lot 24 Niihau Street  
Nanawale Estates  
Pahoa, Hawaii 96778  
DOB: 4/10/70  
SSN: 576 80 3649

[REDACTED]

UNKNOWN Address  
(Peter, Jr.)

Legal Father's Name/Address

PETER KEMA, SR.  
Lot 24 Niihau Street  
Nanawale Estates  
Pahoa, Hawaii 96778  
DOB: 3/17/70  
SSN: 576 84 5793

COMES NOW the Petitioner, a duly appointed social worker of the Department of Human Services ("DHS"), and hereby declares, under penalty of perjury, that the statements made herein are true and correct to the best of Petitioner's knowledge, information and belief.

1. The above-named children come within the provisions of Sections 571-11(9), 587-11, and 587-2, Hawaii Revised Statutes ("HRS").

2. The children were found within the State of Hawaii at the time the following facts and circumstances (which have caused the children's physical or psychological health or welfare to be harmed or subject to threatened harm by the acts or omissions of the children's family) occurred, were discovered, or were reported to the DHS:

a. THREATENED HARM

There is a reasonable foreseeable substantial risk that harm may occur to the children based upon an assessment of the criteria set forth in HRS 587-25, including but not limited to the following facts:

CHILDREN'S VULNERABILITY

1. [REDACTED] lives with JAYLIN M. KEMA (27) ("Mother"), PETER KEMA, SR. (27) ("Father") [REDACTED]  
[REDACTED]

2. Whereabouts of PETER KEMA, JR. (almost 7) are unknown, and his absence is of great concern, as shown in the following chronology:

a. [REDACTED] stated they have not seen the child since January 1997, when he had a black eye and a sprained arm.

b. At DHS request, Mother brought [REDACTED] to the DHS office in June 1997 and stated that PETER JR, was "vacationing" with an un-named paternal aunt and uncle until mid-August 1997. Mother promised to bring PETER JR. to DHS offices on August 15, 1997.

c. August 15, 1997 was Kuhio Day and DHS offices were

closed. When Petitioner later called, parents' phone was disconnected.

d. On August 21, 1997, [REDACTED] stated that Mother told her she had contacted a maternal uncle of the child, who lives on Oahu, and he denied knowledge of the child's whereabouts.

e. On December 23, 1997, the family's [REDACTED] worker stated that Mother told her offices that PETER JR. moved out of the home in June 1997 and to Oahu in October 1997.

f. Petitioner has confirmed that the child is not enrolled in any public school in the state.

g. On January 21, 1998, Mother participated in an interview by police Detective Nojiri. She stated she learned from Father only the day before that Father "gave" PETER JR. to a "lady in Aala Park," on Oahu, where he stated he had stayed for a month. Mother stated that Father identified her as ROSE KAUMAKUA.

h. Father accompanied Mother to the police station on January 21, 1998, but, according to Mother, declined to be interviewed because he had chest pains.

i. [REDACTED] stated on February 19, 1998, that she recently tried to talk to Mother about PETER JR. but that Mother was "very defensive, rude and unwilling to talk."

[REDACTED] after birth, in August 1996.

4. From August 1991 until June 1995, PETER, JR. and his [REDACTED] were in DHS foster custody, mostly with [REDACTED] due to unexplained fractures to PETER, JR. Both parents have expressed resentment at that DHS involvement.

[REDACTED] stated that when they had [REDACTED] for the first two years their parents rarely visited them.

#### PARENTAL PROBLEMS

5. DHS is continuing to locate records of its 1991-1995 involvement with the family, to ascertain the extent of parental participation in services.

6. [REDACTED] stated on January 21, 1998 that [REDACTED]

[REDACTED] are "programmed to say things." On February 19, 1998, [REDACTED] stated that she is "scared that Mother and Father might snap and hurt the other [REDACTED]" When we had talked with the other [REDACTED] they look at the parents, to see what they will say. When Peter [Father] yells, they jump."

7. Father was convicted of Burglary 2<sup>o</sup> in 1992.

SUPPORT SYSTEM/SERVICES

8. Although [REDACTED] are willing and able to provide support for [REDACTED] they are Mother are not on speaking terms.

9. DHS-recommended services include psychological evaluations of both parents and follow-up as recommended.

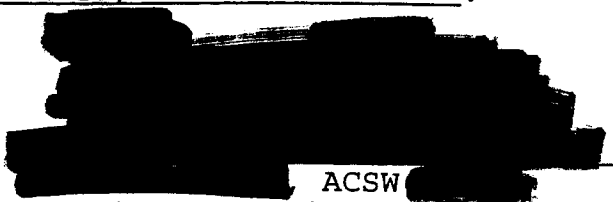
b. The children's half siblings are the subject children in a Chapter 587 proceeding, In the Interest of [REDACTED]

WHEREFORE, it is prayed that an inquiry be made into the foregoing allegations and that action be taken pursuant to the provisions of Chapter 587, HRS, including but not limited to:

[REDACTED] be ordered, foster custody over PETER, J. (when located) be ordered, matters concerning the children and other family members be adjudicated, and such other orders as the Court deems appropriate be entered.

UNLESS THE FAMILY IS WILLING AND ABLE TO PROVIDE THE CHILDREN WITH A SAFE FAMILY HOME, EVEN WITH THE ASSISTANCE OF A SERVICE PLAN, WITHIN A REASONABLE PERIOD OF TIME, THEIR RESPECTIVE PARENTAL AND CUSTODIAL DUTIES AND RIGHTS SHALL BE SUBJECT TO TERMINATION.

DATED: Hilo, Hawaii, March 13, 1998.

  
ACSW  
Acting Supervisor

Approved as to form by the Department of the Attorney  
General

Indian Blood:  Yes  No

Indian Child Pursuant to the Indian Child Welfare Act:

Yes  No

copy

MARGERY S. BRONSTER 4750  
Attorney General

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
101 Aupuni Street  
Suite 1014-A, Hilo Lagoon Centre  
Hilo, Hawaii 96720  
Telephone: (808) 933-4786

2007 12 14 10:22  
J. LEVINSKY  
CLERK

Attorneys for Petitioner

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

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

) FC-S No. [REDACTED]  
)  
) PETITION FOR  
) FAMILY SUPERVISION  
)  
)  
)  
)  
)  
)

PETITION FOR FAMILY SUPERVISION

Mother's Name/Address

JAYLIN M. KEMA  
Lot 24 Niihau Street  
Nanawale Estates  
Pahoa, Hawaii 96778  
DOB: 4/10/70  
SSN: [REDACTED]

Children's Address

[REDACTED]

Legal Father's Name/Address

[REDACTED]  
[REDACTED]  
[REDACTED]

Other's Name/Address/Relationship

PETER KEMA, SR., Stepfather  
Lot 24 Niihau Street  
Nanawale Estates  
Pahoa, Hawaii 96778  
DOB: 8/17/70 SSN: [REDACTED]

COMES NOW the Petitioner, a duly appointed social worker of the Department of Human Services ("DHS"), and hereby declares, under penalty of perjury, that the statements made herein are true and correct to the best of Petitioner's knowledge, information and belief.

1. The [REDACTED] come within the provisions of Sections 571-11(9), 587-11, and 587-2, Hawaii Revised Statutes ("HRS").

2. [REDACTED] were found within the State of Hawaii at the time the following facts and circumstances (which have caused [REDACTED] physical or psychological health or welfare to be harmed or subject to threatened harm by the acts or omissions of [REDACTED] family) occurred, were discovered, or were reported to the DHS:

a. THREATENED HARM

There is a reasonable foreseeable substantial risk that harm may occur to [REDACTED] based upon an assessment of the criteria set forth in HRS 587-25, including but not limited to the following facts:

CHILDREN'S VULNERABILITY

1. [REDACTED] live with JAYLIN M. KEMA (27) ("Mother"), PETER KEMA, SR. (27) ("Stepfather"), and [REDACTED].

2. Whereabouts of PETER KEMA, JR. (almost 7), another half brother, are unknown, and his absence is of great concern, as shown in the following chronology:

a. [REDACTED] stated they have not seen the [REDACTED] since January 1997, when he had a black eye and a sprained arm.

b. At DHS request, Mother brought [REDACTED] to the DHS office in June 1997 and stated that PETER JR., was "vacationing" with an un-named paternal aunt and uncle until mid-August 1997. Mother promised to bring PETER JR. to DHS offices on August 15, 1997.

c. August 15, 1997 was Kuhio Day and DHS offices were

closed. When Petitioner later called, Mother's phone was disconnected.

d. On August 21, 1997, [REDACTED] stated that Mother told her she had contacted a maternal uncle of the child, who lives on Oahu. He denied knowledge of the child's whereabouts.

e. In October 1997, Petitioner confirmed that the child is not enrolled in any public school in the state.

f. On December 23, 1997, the family's [REDACTED] worker stated that Mother told her offices that PETER JR. moved out of the home in June 1997 and to Oahu in October 1997.

g. On January 21, 1998, Mother participated in an interview by police Detective Nojiri. She stated she learned from Stepfather only the day before that Stepfather "gave" PETER JR. to a "lady in Aala Park," on Oahu, where he stated he stayed for a month. Mother stated that Stepfather identified her as ROSE KAUMAKUA.

h. Stepfather accompanied Mother to the police station on January 21, 1998, according to Mother, he declined to be interviewed because he had chest pains.

i. [REDACTED] stated on February 19, 1998, that she recently tried to talk to Mother about PETER JR. but that Mother was "very derensive, rude and unwilling to talk."

3. Mother had another child who died one day after birth, in August 1996.

4. From August 1991 until June 1995, PETER and his half [REDACTED] were in DHS foster custody, mostly with [REDACTED] due to unexplained fractures to PETER, JR. Mother and Stepfather each expressed resentment at that DHS involvement. [REDACTED] stated that when they had [REDACTED], for the first two years their parents rarely visited them.

5. Efforts to interview [REDACTED] ("Father"), are continuing.

#### PARENTAL PROBLEMS

6. DHS is continuing to locate records of its 1991-1995



involvement with the family, to ascertain the extent of parental participation in services.

7. [REDACTED] stated on January 21, 1998 that [REDACTED] [REDACTED] "programmed to say things." On February 19, 1998, [REDACTED] stated that she is "scared that Mother and [Step]Father might snap and hurt the other [REDACTED]" When we had talked with the other [REDACTED] they look at the parents, to see what they will say. When Peter [Stepfather] yells, they jump."

6. Stepfather was convicted of Burglary 2° in 1992.

SUPPORT SYSTEM/SERVICES

7. Although [REDACTED] are willing and able to provide support for [REDACTED] they and Mother are not on speaking terms.

8. DHS-recommended services include psychological evaluations of both Mother and Stepfather as well as follow-through on recommendations made. Once Father is interviewed, services, if any, will be recommended.

b. [REDACTED] half siblings are the subject children in a Chapter 587 proceeding, In the Interest of KEMA CHILDREN: Peter, Jr., Born on May 1, 1991; [REDACTED]  
[REDACTED] FC-S No. 98-034.

WHEREFORE, it is prayed that an inquiry be made into the foregoing allegations and that action be taken pursuant to the provisions of Chapter 587, HRS, including but not limited to:

Family Supervision over [REDACTED] be ordered, matters concerning [REDACTED] and other family members be adjudicated, and such other orders as the Court deems appropriate be entered.

UNLESS THE FAMILY IS WILLING AND ABLE TO PROVIDE THE CHILDREN WITH A SAFE FAMILY HOME, EVEN WITH THE ASSISTANCE OF A SERVICE PLAN, WITHIN A REASONABLE PERIOD OF TIME, THEIR RESPECTIVE PARENTAL AND CUSTODIAL DUTIES AND RIGHTS SHALL BE SUBJECT TO TERMINATION.

DATED: Hilo, Hawaii, March 13, 1998 .

[REDACTED]

ACSW  
DHS Social Worker

Approved as to form by the Department of the Attorney  
General

Indian Blood:  Yes  No  
Indian Child Pursuant to the Indian Child Welfare Act:  
 Yes  No

STATE OF HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
Family & Adult Services Division

SERVICE PLAN #1

Date: March 16, 1998 FC-S Number: [REDACTED]  
Children's Name: [REDACTED] DOB: [REDACTED]  
[REDACTED] DOB: [REDACTED]

This service plan is between JAYLIN M. A. KEMA ("Mother") [REDACTED] ("Presumed Father") and PETER KEMA, SR. ("Stepfather") and the Department of Human Services.

**THIS PLAN WILL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT.**

**I. FOCUS:**

Mother will participate in a support group for adult victims of family violence, e.g. ATV woman's support group participation;

Mother will participate in psychological evaluation and recommendations for treatment, e.g. individual mental health therapy to address issues such as former traumatic experiences e.g. sex assault, to address and work through emotional relationships of her nuclear family, towards development of a healthy sense of self-confidence and other issues which are defined in therapy;

Mother will participate in group parenting class to gain a broader sense the parenting protective role towards the step-siblings, Peter Jr. when he is found and [REDACTED] and [REDACTED] recognizing emotional and special needs of each child;

Mother will work with the DHS social worker to assure [REDACTED] receive the individual or family counseling to address their emotional needs of loss and isolation;

Mother will provide a safe home with or without Father and Stepfather living in the family home;

Father will participate in services if he chooses to be active with [REDACTED] which he has not.

Stepfather will participate in a psychological evaluation to determine the extent of his depression and/or other emotional factors; if anger management is recommended, then the

Alternatives to Violence Program may provide the anger management group component;

Mother and Stepfather may be referred to YWCA Family Support Team, since the child's age for acceptance into the Family Support Services program is seventeen. Dr. Horace Black may be available to provide therapy for Stepfather.

Both Mother and Stepfather may participate in a parenting class for young children which may be provided at YWCA or Family Support Services.

**II. GOAL:**

X To make the family home safe and with a nurturing environment for [REDACTED] and their stepsiblings, [REDACTED] and Peter Kema Jr., when he is found, being a missing child.

**III. OBJECTIVE:**

Learn, practice and demonstrate communication skills with other adults and children in [REDACTED] home without becoming violent and dangerous to the adults or children or that foster depression in the parent or child;

Learn, practice and demonstrate nurturing parenting skills enabling the parent to provide a safe family home for each child.

Learn, practice and demonstrate healthier self-concepts through life style of interest in others and healthier understanding of the parents' earlier role as victim's within their own families of origin;

**IV. THINGS TO BE DONE;**

**Mother:**

1. Attend the Women's Support Group for victims of domestic violence at the Alternatives to Violence Program;
2. Attend and successfully complete parenting class for intermediate school age children at Family Support Services;
3. Attend and participate in personal psychological evaluation at Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;

**Stepfather:**

1. Attend the anger management classes at Alternatives to Violence at ATV;
2. Participate in a psychological evaluation at the Ohana Counseling Center with a written consent for a copy of the report to be sent to DHS at East Hawaii;
3. Attend and participate in personal psychotherapy until clinically discharged, e.g. with Dr. Horace Black;

**C. DHS Social Worker:**

1. Provide direction towards learning information necessary to participate in classes and services;
2. Motivate Mother and Stepfather to enroll in appropriate classes and counseling services.
3. Visit the family at the family home and provide basic crisis and motivating counseling services at the time of the visit.

**V. OUTCOMES:**

By the next court hearing, based on the progress and evaluation of services in this plan, DHS will reassess the goal and may recommend additional services.

**YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING \_\_\_\_\_ WHO ARE THE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY UNLESS YOU ARE WILLING AND ABLE TO PROVIDE \_\_\_\_\_ WITH A SAFE FAMILY HOME WITHIN THE REASONABLE PERIOD OF TIME SPECIFIED IN THIS SERVICE PLAN.**

**VI. SIGNATURES:**

This plan has been reviewed with me.

\_\_\_\_\_  
Jaylin M. Acol Kema Date  
Mother


\_\_\_\_\_  
LSW Date  
DHS Social Worker

\_\_\_\_\_  
Date  
Presumed Father

\_\_\_\_\_  
Peter Kema, Sr.  
Stepfather

I certify I have reviewed this document.

---

 Acting Supervisor      Date  
East Hawaii Intake and Assessment Unit  
Representing the Department of Human  
Services