SCPW-24-0000464

Public First v. Judge Viola

Redacted copy of First Amended and Supplement to the Records of the Family Court, First Circuit, filed 8/6/2024

[CPA Vol 5 of 7]

DC 2/25/20 GS
99

ORIGINAL

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2019 NOV 20 PM 2:33

M. N. TANAKA
CLERK

CLARE E. CONNORS 7936
Attorney General

ERIN L. S. YAMASHIRO 8187
ERIN K. S. TORRES 8612
IAN T. TSUDA 10057
SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Boulevard, Suite 211
Kapolei, Hawaii 96707
Telephone: (808) 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL PILIALOHA SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 NOTICE TO SECRETARY OF INTERIOR

NOTICE TO SECRETARY OF INTERIOR

STATE OF HAWAII

TO: Sacramento Area Director
Bureau of Indian Affairs
Federal Office Building
2800 Cottage Way
Sacramento, California 95825

YOU ARE HEREBY NOTIFIED that a petition under Chapter 587A, Hawaii Revised Statutes, regarding the above-identified children have been filed in the Family Court, a copy of which is forwarded herewith.

YOU ARE HEREBY FURTHER NOTIFIED that a hearing of the petition will be heard in the Family Court, Ronald T. Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707-3272, on Tuesday, the 25th day of February, 2020, at 8:30 a.m., before the Honorable Presiding Judge of the above-entitled court.

1. The petitioner is the Department of Human Services (DHS), State of Hawaii.

2. The petitioner's attorney is SIMEONA A. MARIANO, Deputy Attorney General, State of Hawaii.

3. The information contained in this notice should be kept confidential and should not be revealed to anyone who does not need the information.

4. If you have information regarding the children's tribal affiliation, please send a copy of pertinent information to the Department of the Attorney General at the address listed above.

If you fail to appear at the hearing or to file a written answer with the Family Court, whose mailing address is Ronald T. Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707-3272, before the date of the hearing, judgment as prayed for may be entered without further notice to you.

DATED: Kapolei, Hawaii, NOV 20 2019.

Clare Sanita

CLERK OF THE ABOVE-ENTITLED COURT

DC 2/25/20

ORIGINAL

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2019 NOV 20 PM 2:33

M. N. TANAKA
CLERK

CLARE E. CONNORS 7936
Attorney General

ERIN L. S. YAMASHIRO 8187
ERIN K. S. TORRES 8612
IAN T. TSUDA 10057
SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Boulevard, Suite 211
Kapolei, Hawaii 96707
Telephone: (808) 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL PILIALOHA SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 NOTICE TO INDIAN TRIBE

NOTICE TO INDIAN TRIBE

STATE OF HAWAII

TO: NAVAJO NATION
Attention: Regina Yazzie, MSW, Director
Navajo Children and Family Services (ICWA)
P. O. Box 1930
Window Rock, Arizona 86515

YOU ARE HEREBY NOTIFIED that a petition under Chapter 587A, Hawaii Revised Statutes, regarding the above-identified children have been filed in the Family Court, a copy of which is forwarded herewith.

YOU ARE HEREBY FURTHER NOTIFIED that a hearing of the petition will be heard in the Family Court, Ronald T. Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707-3272, on Tuesday, the 25th day of February, 2020, at 8:30 a.m., before the Honorable Presiding Judge of the above-entitled court.

1. The petitioner is the Department of Human Services (DHS), State of Hawaii.

2. The petitioner's attorney is SIMEONA A. MARIANO, Deputy Attorney General, State of Hawaii.

3. You (may) have the right as NAVAJO NATION Tribe to intervene in the proceeding.

4. You (may) have the right as NAVAJO NATION Tribe to have, on request, twenty (20) days to prepare for the proceedings.

5. You (may) have the right as NAVAJO NATION Tribe to petition the Court to transfer the proceedings to your Tribal Court.

6. The information contained in this notice should be kept confidential and should not be revealed to anyone who does not need the information.

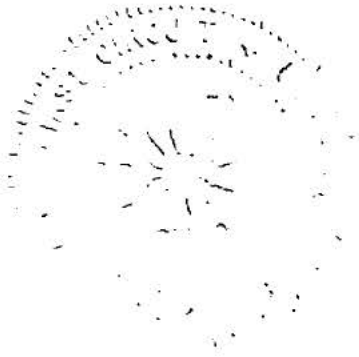
If you fail to appear at the hearing or to file a written answer with the Family Court, whose mailing address is Ronald T. Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii

96707-3272, before the date of the hearing, judgment as prayed for may be entered without further notice to you.

DATED: Kapolei, Hawaii, NOV 20 2019.

Clare Sanitar

CLERK OF THE ABOVE-ENTITLED COURT



DC 2/25/20 W GR

ORIGINAL

FAMILY COURT
FIRST CIRCUIT COURT
STATE OF HAWAII

2019 NOV 22 PM 3:00

FILED K. Siobal
CLERK

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96707
Telephone: 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 EX-PARTE MOTION FOR ORDER AUTHORIZING SERVICE BY PUBLICATION; DECLARATION OF SIMEONA A. MARIANO; EXHIBITS "A" & "B"; ORDER AUTHORIZING SERVICE BY PUBLICATION

EX-PARTE MOTION FOR
ORDER AUTHORIZING SERVICE BY PUBLICATION

Comes now the Department of Human Services (hereinafter "DHS"), by and through its attorneys, CLARE E. CONNORS, Attorney General, and SIMEONA A. MARIANO, Deputy Attorney General, State of Hawaii, and moves this Honorable Court for an order authorizing service of notice of the above-entitled proceeding and of the time and place of the continued return date hearing

upon ADAM SELLERS, the father of [redacted] ARIEL SELLERS; and upon [redacted] by publication in a daily or weekly publication suitable for the advertisement of legal notices pursuant to HRS § 587A-13; Rule 10, Hawaii Family Court Rules, or both.

DATED: Kapolei, Hawaii, November 22, 2019.

Respectfully submitted,

CLARE E. CONNORS
Attorney General

SIMEONA A. MARIANO
Deputy Attorney General

Attorney for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 DECLARATION OF SIMEONA A. MARIANO; EXHIBITS "A" & "B"

DECLARATION OF SIMEONA A. MARIANO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

SIMEONA A. MARIANO, hereby declares that:

1. Declarant is a deputy attorney general representing the Department of Human Services ("DHS") in the above-entitled matter;

2. Declarant is informed and of the good faith and belief that based upon the DHS reports (attached respectively as Exhibits "A" and "B"), the DHS has been unable to locate ADAM SELLERS, the father of [redacted] ARIEL SELLERS; [redacted];

3. Declarant is informed and of the good faith belief that pursuant to the attached reports we are requesting permission to

publish for FATHER [redacted];

4. I hereby declare under penalty of law that the foregoing is true and correct.

Executed on: November 22, 2019.

SIMEONA A. MARIANO
Deputy Attorney General

REPORT IN SUPPORT OF MOTION FOR PUBLICATION
ADAM SELLERS FC S NO.18-00280

This report is made in support of the motion that notice for ADAM SELLERS ("Parent") be given by publication. The undersigned DHS social worker hereby declares under penalty of perjury, that the statements made herein are true and correct to the best of his/her knowledge, information, and belief.

[X] I discussed the whereabouts of Parent with the child's/children's [xx] Mother [ ] Father, and he/she does not know the current whereabouts of Parent; Unknown natural father

[X] I checked with known relatives of Parent and they failed to provide any information as to her/his current whereabouts;

[X] I checked with known friends of Parent and they failed to provide any information as to her/his current whereabouts;

[n/a] I checked with known employers of Parent and they failed to provide any information as to her/his current whereabouts;

[X] I checked the current telephone directories for the State of Hawaii and Parent is either not listed or is not currently residing at the address listed;

[n/a] I checked the DHS housing authority case files and they do not contain any information as to the current whereabouts of Parent;

[X] I checked with the Department of Public Safety and Parent is not currently incarcerated by the State of Hawaii;

[X] I prepared a "locate action request"[1] and the DHS Investigations Office, after a complete investigation, has not been able to provide any information as to the current whereabouts of Parent;UNKNOWN NATURAL FATHER.

DATED: Honolulu, Hawaii NOV 18 2019

DHS SOCIAL WORKER-M.Taele

[1] The "locate action request" includes a check of the Criminal Justice Information System (CJIS), the Hawaii Automated Welfare Information (HAWI) system, the Child Support Enforcement Agency (CSEA), and Hawaii Drivers License and Motor Vehicle Registrations.

EXHIBIT "A"

MAY - 6 2019

DAVID Y. IGE
GOVERNOR

PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
Benefit, Employment and Support Services Division
Investigations Office
601 Kamokila Blvd., Suite 462
Kapolei, Hawaii 96707

May 02, 2019

MEMORANDUM

TO: EOCWSU 4

FROM: L. Kakiuchi, EWIV/INVO/RCS

SUBJECT: Response to Locate Request
Case Name: JOSEPH, Melanie K.

Subjects Name: SELLERS, Adam
DOB: [redacted]1984 Last 4 digits of ss# 5960
Residence: Homeless, Honolulu, HI 96816 as of 2018
Mailing Address: 41-543 Humuniki St., Waimanalo, HI 96795
Phone#: 808-783-2682/808-216-8829

REPORT IN SUPPORT OF MOTION FOR PUBLICATION
UNKNOWN NATURAL FATHER FC S NO.18-00280

This report is made in support of the motion that notice for UNKNOWN NATURAL FATHER ("Parent") be given by publication. The undersigned DHS social worker hereby declares under penalty of perjury, that the statements made herein are true and correct to the best of his/her knowledge, information, and belief.

[X] I discussed the whereabouts of Parent with the child's/children's [xx] Mother [ ] Father, and he/she does not know the current whereabouts of Parent; Unknown natural father

[X] I checked with known relatives of Parent and they failed to provide any information as to her/his current whereabouts;

[X] I checked with known friends of Parent and they failed to provide any information as to her/his current whereabouts;

[n/a] I checked with known employers of Parent and they failed to provide any information as to her/his current whereabouts;

[X] I checked the current telephone directories for the State of Hawaii and Parent is either not listed or is not currently residing at the address listed;

[n/a] I checked the DHS housing authority case files and they do not contain any information as to the current whereabouts of Parent;

[X] I checked with the Department of Public Safety and Parent is not currently incarcerated by the State of Hawaii;

[X] I prepared a "locate action request"[1] and the DHS Investigations Office, after a complete investigation, has not been able to provide any information as to the current whereabouts of Parent;UNKNOWN NATURAL FATHER.

DATED: Honolulu, Hawaii NOV 18 2019

Maile S. Taele

DHS SOCIAL WORKER-M.Taele

[1] The "locate action request" includes a check of the Criminal Justice Information System (CJIS), the Hawaii Automated Welfare Information (HAWI) system, the Child Support Enforcement Agency (CSEA), and Hawaii Drivers License and Motor Vehicle Registrations.

EXHIBIT "B"

MAY -6 2019

DAVID Y. IGE
GOVERNOR

PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
Benefit, Employment and Support Services Division
Investigations Office
601 Kamokila Blvd., Suite 462
Kapolei, Hawaii 96707

May 02, 2019

MEMORANDUM

TO: EOCWSU 4

FROM: L. Kakiuchi, EWIV/INVO/RCS

SUBJECT: Response to Locate Request
Case Name: JOSEPH, Melanie K.

Subjects Name: Unknown Natural Father
DOB: Unknown Last 4 digits of ss# Unknown
Residence: Unable to Locate
Mailing Address: Unable to Locate
Phone#: Unable to Locate

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 ORDER AUTHORIZING SERVICE BY PUBLICATION

ORDER AUTHORIZING SERVICE BY PUBLICATION

It appearing from the ex parte motion and declaration of SIMEONA A. MARIANO herein that service by publication to ADAM SELLERS, the father of [redacted] ARIEL SELLERS; [redacted] is appropriate and reasonable,

IT IS HEREBY ORDERED AS FOLLOWS:

1. That the continued return date hearing shall be held on the date and time and at the place set forth in the notice.

2. That notice shall be given to ADAM SELLERS [redacted] to whom the notice shall be directed by publication of the notice in a daily or weekly publication once each week for four successive weeks, the last publication to be not less than twenty-one (21) days prior to the time set for hearing.

3. That publication shall be in the Honolulu Star Advertiser, a publication suitable for the advertisement of legal notices in judicial proceedings.

4. That there shall be filed in this proceeding, prior to the time of the continued return date hearing, an affidavit of publication pursuant to this order, which shall constitute proof of service under the provisions of this order.

DATED: Kapolei, Hawaii, NOV 22 2019.

JUDGE OF THE ABOVE-ENTITLED COURT
BODE A. UALE

ORIGINAL

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Boulevard, Suite 211
Kapolei, Hawaii 96707
Telephone: (808) 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL PILIALOHA SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 STATEMENT OF MAILING; EXHIBITS "A" AND "B"

STATEMENT OF MAILING

I represent that I caused filed copies of the Petition for Temporary Foster Custody and Family Supervision and Notice to Secretary of Interior to be sent to the Sacramento Area Director Bureau of Indian Affairs. At the time of mailing, the receipt attached hereto as Exhibit A was received. In due course, the return receipt attached hereto as Exhibit B was received.

DATED: Kapolei, Hawaii, DEC 16 2019.

SIMEONA A. MARIANO
Deputy Attorney General

Attorney for the Department
of Human Services

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

7017 2680 0000 6272 0512

Certified Mail Fee
$ 3.50

Extra Services & Fees (check box, add fee as appropriate)
- ☒ Return Receipt (hardcopy) $ 2.80
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ .45

Total Postage and Fees
$ 6.95

Postmark Here

DEC 03 2019

Sellers
FEB 18-00280
Petition to DWA
NOTICE

Sent To
Sacramento Area Director - Bureau of Indian Affairs
Street and Apt. No., or PO Box No.
Federal Office Bldg 2800 Cottage Way
City, State, ZIP+4®
Sacramento CA 95825

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT "A"

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SACRAMENTO AREA DIRECTOR
BUREAU OF INDIAN AFFAIRS
FEDERAL OFFICE BUILDING
2800 COTTAGE WAY
SACRAMENTO CA 95825

9590 9402 3380 7227 3611 90

2. Article Number *(Transfer from service label)*

7017 2680 0000 6272 0512

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Amy Dutschke ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT "B" 79

ORIGINAL

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorneys General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Boulevard, Suite 211
Kapolei, Hawaii 96707
Telephone: (808) 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL PILIALOHA SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 STATEMENT OF MAILING; EXHIBITS "A" - "B"

STATEMENT OF MAILING

I represent that I caused filed copies of the Petition for Temporary Foster Custody and Notice to Indian Tribe to be sent to:

NAVAJO NATION
Attention: Regina Yazzie MSW
Director of Navajo Children and Family Services (ICWA)
P. O. Box 1930
Window Rock, Arizona 86515

At the time of mailing, the receipt attached hereto as Exhibit A was received. In due course, the return receipt attached hereto as Exhibit B was received.

DATED: Kapolei, Hawaii, DEC 26 2019.

SIMEONA A. MARIANO
Deputy Attorney General
Attorney for the Department
of Human Services

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee
$ 3.50

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) $ 2.80
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $

Postage
$ .65

Total Postage and Fees
$ 6.95

Sent To: Navajo Nation Hon Regina Yazzie, MSW Director,
Street and Apt. No., or PO Box No.: Navajo Children & Family Services (DCWA) P.O. Box 1930
City, State, ZIP+4®: Window Rock AZ 86515

Seldas
FCS 18-002260
Petition & DCWA

Postmark Here
DEC 03 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 2680 0000 6272 0529

EXHIBIT A

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NAVAJO NATION
ATTN REGINA YAZZIE MSW
DIRECTOR OF NAVAJO CHILDREN &
FAMILY SERVICES (ICWA)
P O BOX 1930
WINDOW ROCK AZ 86515

9590 9402 3380 7227 3612 06

2. Article Number *(Transfer from service label)*

7017 2680 0000 6272 0529

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT B

DL 2/25/20 ve

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	SUMMONS FOR APPEARANCE OF: ☐ CHILD ☒ PARENT ☐ PARTY HRS Chapter 587A	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF

[redacted] ARIEL SELLERS [redacted]

THE STATE OF HAWAII
TO: UNKNOWN NATURAL FATHER

The attached petition was filed in this court by the Department of Human Services alleging that you/the above-named child come(s) within the purview of HRS Chapter 587A, The Child Protective Act. The purpose of this Chapter is to protect children from harm and to provide them with a safe home, either with their families or with permanent placement in another competent, substitute family.

To the parents of the above-named child:

YOU ARE HEREBY NOTIFIED THAT YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS. IF YOUR PARENTAL RIGHTS ARE TERMINATED, YOU WILL LOSE RIGHTS TO THE CARE AND CUSTODY OF YOUR CHILD; YOUR CHILD MAY BE PLACED FOR ADOPTION. IF YOU FAIL TO APPEAR AT THIS HEARING, FURTHER ACTION WILL BE TAKEN WITHOUT FURTHER NOTICE TO YOU.

Hearing is set before the Presiding Judge at the date, time and place indicated below:

DATE	Wednesday, April 22, 2020	TIME	1:30 p.m.
PLACE	RONALD T.Y. MOON KAPOLEI COURTHOUSE 4675 KAPOLEI PARKWAY, KAPOLEI, HAWAII 96707		
PRESIDING JUDGE			

YOU ARE HEREBY COMMANDED to appear
- ☒ personally;
- ☐ and to bring the child(ren), if within your custody and control, before the Family Court at the time and place stated.

NOTE: **HRS SECTION 571-24** provides that any person summoned "who, without reasonable cause, fails to appear, may be proceeded against for contempt of court."

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours. Failure to obey the summons may result in an entry of a default and default judgment against the person summoned.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA coordinator at the Family Court, First Circuit Director's Office at PHONE NO. 954-8200, FAX 954-8308, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

In a Family Court proceeding any child or parent may be represented by an attorney, and the presence at the hearing of an attorney employed by any of the parties will be welcomed. If a family cannot afford an attorney, this should be discussed with a court officer as it is possible in some instances for the Court to appoint an attorney for the parents or other party.

DATE	CLERK OF THE COURT
JAN 17 2020	

2020 JAN 17 AM 9:52
FILED
FIRST CIRCUIT COURT
STATE OF HAWAII
M. M. TANAKA
CLERK

DL 8/15/2020

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	SUMMONS FOR APPEARANCE OF: ☐ CHILD ☒ PARENT ☐ PARTY HRS Chapter 587A	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF

[redacted] ARIEL SELLERS [redacted]

THE STATE OF HAWAII
TO: ADAM SELLERS

The attached petition was filed in this court by the Department of Human Services alleging that you/the above-named child come(s) within the purview of HRS Chapter 587A, The Child Protective Act. The purpose of this Chapter is to protect children from harm and to provide them with a safe home, either with their families or with permanent placement in another competent, substitute family.

To the parents of the above-named child:

YOU ARE HEREBY NOTIFIED THAT YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS. IF YOUR PARENTAL RIGHTS ARE TERMINATED, YOU WILL LOSE RIGHTS TO THE CARE AND CUSTODY OF YOUR CHILD; YOUR CHILD MAY BE PLACED FOR ADOPTION. IF YOU FAIL TO APPEAR AT THIS HEARING, FURTHER ACTION WILL BE TAKEN WITHOUT FURTHER NOTICE TO YOU.

Hearing is set before the Presiding Judge at the date, time and place indicated below:

DATE	Wednesday, April 22, 2020	TIME	1:30 p.m.
PLACE	RONALD T.Y. MOON KAPOLEI COURTHOUSE 4675 KAPOLEI PARKWAY, KAPOLEI, HAWAII 96707		
PRESIDING JUDGE			

YOU ARE HEREBY COMMANDED to appear
- ☒ personally;
- ☐ and to bring the child(ren), if within your custody and control, before the Family Court at the time and place stated.

NOTE: **HRS SECTION 571-24** provides that any person summoned "who, without reasonable cause, fails to appear, may be proceeded against for contempt of court."

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours. Failure to obey the summons may result in an entry of a default and default judgment against the person summoned.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA coordinator at the Family Court, First Circuit Director's Office at PHONE NO. 954-8200, FAX 954-8308, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

In a Family Court proceeding any child or parent may be represented by an attorney, and the presence at the hearing of an attorney employed by any of the parties will be welcomed. If a family cannot afford an attorney, this should be discussed with a court officer as it is possible in some instances for the Court to appoint an attorney for the parents or other party.

DATE	CLERK OF THE COURT
JAN 17 2020	

FILED
2020 JAN 17 AM 9:53
1ST CIRCUIT COURT
STATE OF HAWAII
M. R. TANAKA
CLERK

ISSUED

D.L. 2/25/20

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	SUMMONS FOR APPEARANCE OF: ☐ CHILD ☒ PARENT ☐ PARTY HRS Chapter 587A	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF

[redacted] ARIEL SELLERS [redacted]

THE STATE OF HAWAII
TO: ADAM SELLERS
C/O Oahu Community Correctional Center
2199 Kamehameha Hwy.
Honolulu, Hawaii 96819

The attached petition was filed in this court by the Department of Human Services alleging that you/the above-named child come(s) within the purview of HRS Chapter 587A, The Child Protective Act. The purpose of this Chapter is to protect children from harm and to provide them with a safe home, either with their families or with permanent placement in another competent, substitute family.

To the parents of the above-named child:

YOU ARE HEREBY NOTIFIED THAT YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS. IF YOUR PARENTAL RIGHTS ARE TERMINATED, YOU WILL LOSE RIGHTS TO THE CARE AND CUSTODY OF YOUR CHILD; YOUR CHILD MAY BE PLACED FOR ADOPTION. IF YOU FAIL TO APPEAR AT THIS HEARING, FURTHER ACTION WILL BE TAKEN WITHOUT FURTHER NOTICE TO YOU.

Hearing is set before the Presiding Judge at the date, time and place indicated below:

DATE	Tuesday, February 25, 2020	TIME	8:30 a.m.
PLACE	RONALD T.Y. MOON KAPOLEI COURTHOUSE 4675 KAPOLEI PARKWAY, KAPOLEI, HAWAII 96707		
PRESIDING JUDGE	Presiding		

YOU ARE HEREBY COMMANDED to appear

☒ personally;

☐ and to bring the child(ren), if within your custody and control, before the Family Court at the time and place stated.

NOTE: **HRS SECTION 571-24** provides that any person summoned "who, without reasonable cause, fails to appear, may be proceeded against for contempt of court."

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours. Failure to obey the summons may result in an entry of a default and default judgment against the person summoned.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA coordinator at the Family Court, First Circuit Director's Office at PHONE NO. 954-8200, FAX 954-8308, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

In a Family Court proceeding any child or parent may be represented by an attorney, and the presence at the hearing of an attorney employed by any of the parties will be welcomed. If a family cannot afford an attorney, this should be discussed with a court officer as it is possible in some instances for the Court to appoint an attorney for the parents or other party.

DATE	CLERK OF THE COURT
FEB 19 2020	R. PASCUAL CLERK

1ST CIRCUIT COURT
STATE OF HAWAII
2020 FEB 19 AM 11:11
ISSUED

DC 8/25/2020
mag

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	SUMMONS FOR APPEARANCE OF: ☐ CHILD ☐ PARENT ☒ PARTY HRS Chapter 587A	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF

[redacted] ARIEL SELLERS, [redacted]

THE STATE OF HAWAII
TO: Director or Representative of DPS
Oahu Community Correctional Center
2199 Kamehameha Highway
Honolulu, Hawaii 96819

The attached petition was filed in this court by the Department of Human Services alleging that you/the above-named child come(s) within the purview of HRS Chapter 587A, The Child Protective Act. The purpose of this Chapter is to protect children from harm and to provide them with a safe home, either with their families or with permanent placement in another competent, substitute family.

To the parents of the above-named child:

YOU ARE HEREBY NOTIFIED THAT YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS. IF YOUR PARENTAL RIGHTS ARE TERMINATED, YOU WILL LOSE RIGHTS TO THE CARE AND CUSTODY OF YOUR CHILD; YOUR CHILD MAY BE PLACED FOR ADOPTION. IF YOU FAIL TO APPEAR AT THIS HEARING, FURTHER ACTION WILL BE TAKEN WITHOUT FURTHER NOTICE TO YOU.

Hearing is set before the Presiding Judge at the date, time and place indicated below:

DATE	Tuesday, February 25, 2020	TIME	8:30 a.m.
PLACE	RONALD T.Y. MOON KAPOLEI COURTHOUSE 4675 KAPOLEI PARKWAY, KAPOLEI, HAWAII 96707		
PRESIDING JUDGE	Presiding		

YOU ARE HEREBY COMMANDED to appear
☐ personally;
☒ and to bring **ADAM SELLERS**, if within your custody and control, before the Family Court at the time and place stated.

NOTE: **HRS SECTION 571-24** provides that any person summoned "who, without reasonable cause, fails to appear, may be proceeded against for contempt of court."

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours. Failure to obey the summons may result in an entry of a default and default judgment against the person summoned.

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA coordinator at the Family Court, First Circuit Director's Office at PHONE NO. 954-8200, FAX 954-8308, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

In a Family Court proceeding any child or parent may be represented by an attorney, and the presence at the hearing of an attorney employed by any of the parties will be welcomed. If a family cannot afford an attorney, this should be discussed with a court officer as it is possible in some instances for the Court to appoint an attorney for the parents or other party

DATE	CLERK OF THE COURT
FEB 19 2020	

1ST CIRCUIT COURT
STATE OF HAWAII
2020 FEB 19 AM 11:11
FILED
R. PASCUAL
CLERK
ISSUED

DC 4/27/20 W
DP

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII }
} SS.
City and County of Honolulu }

FCS 18-00280

Doc. Date: FEB 17 2020 **# Pages:** 1
Notary Name: Patricia K. Reese First Judicial **Circuit**
Doc. Description: Affidavit of Publication
Notary Signature — FEB 17 2020 Date

PATRICIA K. REESE NOTARY PUBLIC (Stamp or Seal) No. 86-467 STATE OF HAWAII

Gwyn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 4 times on:
01/27, 02/03, 02/10, 02/17/2020
MidWeek 0 times on:
The Garden Island 0 times on:
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 0 times on:

Other Publications: 0 times on:

2020 FEB 24 PM 12:32
FILED
CLERK

And that affiant is not a party to or in any way interested in the above entitled matter.

Gwyn Pang

Subscribed to and sworn before me this 17 day of February A.D. 2020

Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Oct 07, 2022

PATRICIA K. REESE NOTARY PUBLIC No. 86-467 STATE OF HAWAII

Ad # 0001259864

ICSP.NO.:

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

FC-S No. 19-00078

In the Interest of a Female Child born to Dominique Portera on [redacted] 2018.

THE STATE OF HAWAII

TO: JOSEPH B. AGUILAR
Legal Father

FC-S No. 19-00047

In the Interest of a Male Child born to Kiana Graham on [redacted], 2019.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC-S No. 19-00227

In the Interest of a Female Child born to Alexandra Silva on [redacted] 2013.

THE STATE OF HAWAII

TO: ALEXANDRA SILVA
Mother

UNKNOWN NATURAL FATHER

FC-S No. 19-00127

In the Interest of a Male Child born to Jana Perry on [redacted] 2019.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC-S No. 18-00290

In the Interest of a Male Child born to Roseann Canon on [redacted] 2016.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC S No. 19-00107

In the Interest of a Female Child born to Kinnari N. Faatea on [redacted] 2019.

THE STATE OF HAWAII

TO: KINNARI N. FAATEA
Mother

KAZ K. KAMAKELE-GORGONIO
Father

FC-S No. 18-00275

In the Interest of the DOE Children: Female Child born on [redacted] 2005; Male Child born on [redacted] 2007 to Bernadette Delima.

THE STATE OF HAWAII

TO: MARSHALL BELASKI
Legal Father

FC-S No. 19-00186

In the Interest of a Female Child born to Leinani Reynold on [redacted], 2019.

THE STATE OF HAWAII

TO: LEINANI REYNOLD
Mother

R-VIN ROKE
Alleged Natural Father

UNKNOWN NATURAL FATHER

FC-S No. 19-00263

In the Interest of the DOE Children: Male Child born on [redacted] 2019; Male Child born on [redacted] 2019 to Ashley Safa.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC-S No. 18-00280

[redacted] Female Child born on [redacted] 2014; [redacted] Melanie Joseph.

THE STATE OF HAWAII

TO: ADAM SELLERS
Legal Father

UNKNOWN NATURAL FATHER

FC-S No. 19-00219

In the Interest of the DOE Children: Male Child born on [redacted] 004; Male Child born on [redacted] 2004 to Loretta Blaine.

THE STATE OF HAWAII

TO: PETER SOICHY
Legal Father

UNKNOWN NATURAL FATHER

FC-S No. 19-00166

In the Interest of the DOE Children: Female Child born on [redacted] 2013; Female Child born on [redacted] 2014; Male Child born on [redacted] 2015; Female Child born on [redacted] 2017 to Faapoi Teo,

THE STATE OF HAWAII

TO: FAAPOI TEO
Mother

NUUVAELUA TAGAOLO
Legal Father

FC S No. 19-00108

In the Interest of a Female Child born to Sincerely P. Techuo on [redacted], 2002.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC-S No. 19-00223

In the Interest of a Male Child born to Saipeti Togia on [redacted], 2019.

THE STATE OF HAWAII

TO: SAIPETI TOGIA
Mother

PATRICK MEDEIROS
Alleged Natural Father

UNKNOWN NATURAL FATHER

FC-S No. 19-00156

In the Interest of a Male Child born to Saipeti Togia on [redacted], 2018.

THE STATE OF HAWAII

TO: SAIPETI TOGIA
Mother

FC-S No. 19-00272

In the Interest of a Female Child born to Amber Waikiki [redacted] 2011.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

FC-S No. 19-00211

In the Interest of a Female Child born to Sacara Thomas on [redacted] 2003.

THE STATE OF HAWAII

TO: UNKNOWN NATURAL FATHER

YOU ARE HEREBY NOTIFIED that a hearing with respect to the above identified matters have been set in each of the above entitled proceeding and will be held in the Family Court, Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707, on April 22, 2020 at 1:30 p.m. before the Honorable Presiding Judge of the above entitled Court; provided that you may request an earlier hearing to be set by the Court.

You are hereby advised that if you fail to appear on the date set forth in this notice or to file an answer with the clerk of the Family Court of the First Circuit, whose mailing address is Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707, further action shall be taken without further notice to you and your parental and custodial rights and duties concerning the children who are the subject of a petition may be terminated by an award of permanent custody to the Department of Human Services and that such children may then be placed for adoption.

DATED: Kapolei, Hawaii, January 15, 2020

Heather Albano (Seal)
CLERK OF THE ABOVE ENTITLED COURT

CLARE E. CONNORS 7936
Attorney General
GAY M. TANAKA 7050
Deputy Attorney General
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96706
Telephone: 693-7081
Attorneys for the Department
of Human Services
(SA1259864 1/27, 2/3, 2/10, 2/17/20)

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96707
Telephone: 693-7081

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 EX PARTE MOTION FOR ORDER SHORTENING TIME FOR NOTICE OF MOTION TO TERMINATE PARENTAL RIGHTS; DECLARATION OF SIMEONA A. MARIANO; ORDER SHORTENING TIME ON NOTICE OF MOTION TO TERMINATE PARENTAL RIGHTS

EX PARTE MOTION FOR ORDER SHORTENING TIME FOR NOTICE OF MOTION TO TERMINATE PARENTAL RIGHTS

The Department of Human Services (hereinafter "DHS"), by and through its attorneys, CLARE E. CONNORS, Attorney General, and SIMEONA A. MARIANO, Deputy Attorney General, State of Hawaii, moves this Honorable Court for an order shortening time for notice of its Motion to Terminate Parental Rights.

This Motion is made pursuant to Rule 10, Hawaii Family Court Rules and the Declaration of SIMEONA A. MARIANO which is attached hereto and made a part hereof.

DATED: Kapolei, Hawaii, FEB 20 2020.

Respectfully submitted,

CLARE E. CONNORS
Attorney General

SIMEONA A. MARIANO
Deputy Attorney General

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 DECLARATION OF SIMEONA A. MARIANO

DECLARATION OF SIMEONA A. MARIANO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

SIMEONA A. MARIANO, being first duly sworn, on oath hereby deposes and says that:

1. Declarant is the Deputy Attorney General assigned to represent the Department of Human Services ("DHS") in the above-entitled case;

2. This declaration in support of DHS's Ex Parte Motion for an Order Shortening Time for Notice of its Motion to Terminate Parental Rights;

3. Declarant is informed and of the good faith belief that there is insufficient time to provide timely notice to all parties;

4. Declarant respectfully requests that DHS' Ex Parte Motion for an Order Shortening Time for Notice of its Motion to Terminate Parental Rights be granted;

I hereby declare under penalty of law that the foregoing is true and correct.

Executed on: FEB 20 2020.

SIMEONA A. MARIANO
Deputy Attorney General

Attorney for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 ORDER SHORTENING TIME ON NOTICE OF MOTION TO TERMINATE PARENTAL RIGHTS

ORDER SHORTENING TIME ON
NOTICE OF MOTION TO TERMINATE PARENTAL RIGHTS

Good cause appearing from the ex parte motion of the Department of Human Services for an order shortening time for notice of its Motion to Terminate Parental Rights;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the ex parte motion is granted and the Motion to Terminate Parental Rights shall be served upon counsel for the parties to the above-entitled matter.

DATED: Kapolei, Hawaii, FEB 24 2020.

JUDGE OF THE ABOVE-ENTITLED COURT

BODE A. UALE

ORIGINAL
1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2020 FEB 24 PM 3:35

M. TAKAKA
CLERK

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney General, State of Hawaii
Kapolei Building
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96707
Telephone: 693-7081

Attorneys for Department of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of

[redacted]

ARIEL SELLERS,
Born on [redacted] 2014;

[redacted]

FC-S No. 18-00280

MOTION TO TERMINATE PARENTAL RIGHTS; DECLARATION OF MAILI TAELE; EXHIBIT "A"; NOTICE OF MOTION

Date: 2/25/20
Time: 8:30 am
Judge: presiding

MOTION TO TERMINATE PARENTAL RIGHTS

Comes now the Department of Human Services ("DHS"), by and through its attorneys, CLARE E. CONNORS, Attorney General, and SIMEONA A. MARIANO, Deputy Attorney General, State of Hawaii, and moves this Honorable Court for an order terminating parental and custodial duties and rights, awarding permanent custody to an appropriate authorized agency, establishing a permanent plan which plan will propose adoption or permanent custody for the child(ren), revoking the existing service plan, and revoking the prior award of foster custody.

RECEIVED
FEB 24 2020
FAMILY COURT, FIRST JUDICIAL CIRCUIT

FAMILY COURT-KAPOLEI
FIRST CIRCUIT COURT
STATE OF HAWAII

2020 FEB 24 PM 12: 12

REC'D.

This motion is made pursuant to HRS §§ 587A-4, 587A-32, and 587A-33, Rule 10, Hawaii Family Court Rules, the Declaration of MAILI TAELE, and the DHS report dated February 18, 2020, (Exhibit "A") including the proposed permanent plan which are attached hereto and made a part hereof, and such further evidence as may be adduced at the hearing on this motion.

DATED: Kapolei, Hawaii, FEB 21 2020.

Respectfully submitted,

CLARE E. CONNORS
Attorney General

SIMEONA A. MARIANO
Deputy Attorney General

Attorney for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 DECLARATION OF MAILI TAELE

DECLARATION OF MAILI TAELE

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

MAILI TAELE, hereby declares that:

1. That your Declarant is a social worker assigned to the Department of Human Services ("DHS") and the above-entitled matter;

2. That based upon the prior record in this case and the facts stated in the DHS report dated February 18, 2020, which was prepared pursuant to HRS § 587A-18 and which report is attached hereto as Exhibit "A" and made a part hereof, it is your declarant's opinion that there exists clear and convincing evidence in support of the criteria concerning the award of permanent custody and the establishment of a permanent plan regarding the above-named child(ren), as set forth in HRS §§ 587A-33(a)(1), (2), and (3), and as follows:

a. That the child(ren)'s legal mother, legal father, adjudicated, presumed, or concerned father as defined under HRS Chapter 578 are not presently willing and able to

provide the child(ren) with a safe family home, even with the assistance of a service plan;

b. That it is not reasonably foreseeable that the child(ren)'s legal mother, legal father, adjudicated, presumed, or concerned father as defined under HRS Chapter 578 will become willing and able to provide the child(ren) with a safe family home, even with the assistance of a service plan, within a reasonable period of time; and

c. The proposed permanent plan which is included in Exhibit "A" and which nominates the DHS as the proposed permanent custodian, is in the best interests of the child(ren);

3. That the Director of DHS is the appropriate authorized agency to be awarded permanent custody of the child(ren) until the child(ren) is/are subsequently adopted or attains the age of majority; and

4. Thus, your declarant requests that the Court order an award of permanent custody to the DHS and establish the permanent plan concerning the child(ren) which is attached hereto as a part of Exhibit "A".

5. I hereby declare under penalty of law that the foregoing is true and correct.

Executed on: FEB 21 2020.

MAILI TAELE
Social Worker

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) that will reduce the risk of further harm to the child.

Confidential Report of the Department of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

IN THE INTEREST OF:

[redacted] [redacted])
)
Ariel Sellers **DOB:** [redacted]/14) **FC-S No: 18-00280**
)
[redacted] [redacted])
)

SAFE FAMILY HOME REPORT
February 18, 2020

☒This is a full SFHR for TPR Motion and is to be read in conjunction with all other reports submitted and dated: 11/2/2018, 02/11/2019, 05/07/2019 and 10/23/2019.

A. HARM: (2):

On 10/29/2018, the department received a report of threat of abuse and threat of neglect to [redacted] 3-year-old, Ariel Sellers [redacted]

It was reported that on 10/28/18, both Ms. Joseph [redacted] tested positive for methamphetamine at Castle Birthing Center. Ms. Joseph admitted using methamphetamine on 10/28/2018. She reported that she had been using meth for the past two years to cope with her brother's death, but prior to the two years, Ms. Joseph reported not really using methamphetamines or illegal substances. Ms. Joseph stated that she has used Vicodin for carpal tunnel pain, but doesn't' use pills anymore. Ms. Joseph had [redacted] and is reported to be homeless however reported at the time that Ms. Joseph stays with maternal grandmother occasionally. Maternal Grandmother (MGM), Ms. Barbara Kumai, who was helping to care for [redacted] Ariel.

Ms. Joseph self-reported having depression. One year ago, Ms. Joseph reported that she prescribed the antidepressant, Zoloft, by a doctor at Waimanalo Health Clinic and

EXHIBIT "A"

took the medication for her depression. She took the medication for one month and it helped, however, reported not going back to refill prescription, and since then has not been taking any antidepressants.

Mr. Adam Sellers the reported father of Ms. Joseph's children [redacted] Ariel declined to be interviewed at the time of this report. [redacted]. Mr. Sellers reportedly has no phone or address for SW to contact him. Ms. Joseph and Ms. Kumai (who was present at the hospital at the time of this interview), agreed to give Mr. Sellers SW's phone number if they come in contact with him, so he can reach SW for an interview. Ms. Kumai reported that Mr. Sellers does come over and take [redacted] Ariel, to the beach occasionally.

Ms. Joseph reported that she had been homeless [redacted], living in a tent with or near her father at Waimanalo Beach Park. She reportedly is staying with her mother now in a home in Waimanalo along with [redacted] Ariel. Ms. Joseph reported that [redacted] Ms. Joseph reported that she does not want to be with Mr. Sellers, as he is not good for her, and they have history of domestic violence.

Ms. Joseph has reportedly been at Women's Way two times [redacted] but left after only a few hours the first time, then next time she stayed for 3 days. Ms. Joseph verbalized her willingness to go back to Women's Way or into another substance abuse treatment program and participate in any other recommended services [redacted].

[redacted]

DHS determined at the time of this initial report that Ms. Joseph was able to care for [redacted] *Ariel Sellers in the home with the help of an in-home safety plan and with the help of maternal grandmother. DHS will continue to assess for the safety of* [redacted]. [redacted] *Ariel remained in the family home with Ms. Joseph.*

[redacted]

[redacted]

On 01/22/2019 the case was transferred to a DHS permanency social worker who conducted a home visit with Ms. Joseph and maternal grandmother on this date. Upon arrival to the home for the visit, SW met maternal grandmother (MGM) at the door who reported that Ms. Joseph was not home at that time. SW met with MGM and 4 year-old Ariel in the living room of the home. During the visit, 4 year-old Ariel overheard MGM state that Ms. Joseph was not at home at which time Ariel interjected and stated that was home and was laying on the bed in MGM room. MGM called for Ms. Joseph who entered the living room and completed the home visit with DHS SW and MGM. When MGM was asked by SW as to why MGM did not disclose that Ms. Joseph was in the home when asked by DHS SW. MGM stated that she was fearful that Ms. Joseph would be into trouble with DHS. SW asked to speak privately with 4 year-old Ariel during the visit, the child reported that Ms. Joseph did not live in the home with them, because papa, MGM's boyfriend would not allow it. When asked where Ms. Joseph was living, Ariel reported that Ms. Joseph lives in a tent. It is reported that MGM takes [redacted] to visit Ms. Joseph and that Ms. Joseph is allowed to come MGM anytime of the day. [redacted] Ms. Joseph has not taken Ariel for a DOE assessment as agreed upon in initial meetings. SW met with Ms. Joseph on 01/22/2019, Ms. Joseph admitted to drug use and was eager to get treatment for her addiction but did not know where to start. DHS SW reviewed the Safe Family Home Report and Service plan that Ms. Joseph received, identified the phone numbers of the agencies Ms. Joseph could call and make initial consultations with. A verbal plan was discussed and agreed on 01/22/19 that Ms. Joseph would call Hina Mauka by 01/24/19 to schedule an intake assessment with their agency. Ms. Joseph was compliant and did not initiate any of the services in the Family Service Plan. DHS determined that [redacted] would be removed from the family home and placed in foster custody due to imminent threat of harm.

[redacted] After investigating allegations by CASA, meeting with RCG, [redacted], Ms. Joseph, and maternal grandmother, DHS determined that mother was not sufficiently participating in the terms of the family service plan and had not engaged the required services to ensure that Ms. Joseph could provide a safe family home for [redacted]. DHS is in agreement with the CASA motion, and has further changed the placement of [redacted] Ariel Sellers to live in the [redacted] foster home [redacted]

[redacted] *Ariel Sellers date of entry into foster was on February 8, 2019.* [redacted]

Yes No
[ ] [X] Has the child been harmed since the last report to court?

[ ] [ ] **If yes, did the harm require CWS intervention**

[ ] Not applicable, this is an initial report

Prior CWS involvement

Ms. Joseph was the victim in CWS case when she was 15-years-old. Her and her siblings were put into custody and she aged out of the system while in foster care.

Mr. Sellers was a victim in a CWS case as a minor.

B. Family's Strengths:

- *Resource caregivers are bonded the children.*
- [redacted]
- [redacted]
- [redacted]

C. Safety Issues/factors (quote from safety assessment tool): (12)

6. Parent/caregiver's impairment due to drug or alcohol abuse is seriously affecting his/her ability to supervise, protect, or care for the child.

a. Substance abuse prevents parent/caregiver from protecting or providing for the child.
b. Other safety factors are directly related to the use of drugs or alcohol.

- It is reported that mother continues to abuse drugs.
- Ms. Joseph did not participate in court ordered drug assessments, or random UA's.
- Ms. Joseph reported to CWS SW that she would test positive for drugs on this date (2/8/19) due to recent methamphetamine use.
- Ms. Joseph reported that she has sought treatment for addiction in the past at least three times, through the Women's Way program, however, left the program before completing the program requirements.
- It is reported to DHS that father Mr. Sellers continues to use drugs and has not sought drug treatment for his addiction.

7. There have been reports of harm and the child's whereabouts cannot be ascertained and/or there is a reason to believe that the family is about to flee or refuses access to the child.

m. Other
c. Parent/caregiver is evasive, manipulative, no-shows, suspicious.

- Ms. Joseph and relative care giver attempted to deceive CWS by denying mother was in the home.
- Ms. Joseph was found to be hiding in a backroom, and came out when 4-year-old Ariel, told the SW that mother was at home.
- Ms. Joseph has been consistently late to her visitations and has not been consistent with attending her weekly visitations.
- Ms. Joseph was evasive and reported that she did not have identification to complete services.

14. Parent/caregiver lacks the knowledge, skill, or motivation to parent and this presents a threat of present or impending danger.

l. Other

- Ms. Joseph [redacted] is currently unemployed.
- Ms. Joseph was getting food stamps [redacted].
- Ms. Joseph did not participate in court ordered services to ensure the safety of [redacted].
- [redacted]

D. `Ohana Conference:

DHS completed two Ohana Conference (OC) meetings for the parties involved in the case:

- *3/12/2019, OC completed for Ms. Joseph and maternal relatives.*
- *11/18/2019, OC completed for permanency with resource caregivers and maternal relatives. At the time of this OC, Ms. Joseph was contacted and informed of the OC, however, was a no-show.*
- Mr. Sellers

E. Youth Circle:

Children not age appropriate at this time.

The following information concerns the current situation relevant to the Safe Family Home Factors as found in HRS 587A-7. Each of the factors MUST be considered in formulating the Department's assessment. Numbers in ( ) indicate the number of the factor as set forth in statute.

1. CHILD: (1 – 3)

1.1 Child's current situation

A. Child's Safety:

i. Age & Vulnerability

[redacted]

Ariel Sellers—5 years old
Vulnerable based on age, she is reliant on others to provide for all her basic needs.

[redacted]

ii. Relationship & Bonding with Family

Throughout the onset of the case, Ms. Joseph has attempted to maintain Ohana Visitations [redacted] *DHS was able to work with Ms. Joseph when she was not able to consistently maintain her visitations by allowing her to meet on the SSA aid on the day of the visit at 8:30am in the morning. During the visitations, Ms. Joseph appeared to be very closely bonded to Ariel* [redacted]

[redacted]

iii. Fear of Being in the Family Home.

[redacted]

Ariel does not have any fear of being in the family home and reported that she feels safe and stable in RCG home.

B. Child's Well-Being:

i. Health

[redacted]

[redacted]

5-year-old Ariel *is being closely monitored by Dr. Titcomb for multiple fractures that Ariel has sustained in the last six months. Ariel has had two fractured fingers, one on each hand, a broken collar bone and her most recent injury was a broken leg. Ariel has been seen by specialist at Shriners Hospital for casting and a medical evaluation. Dr. Titcomb reported that Ariel's weight is also closely monitored because initially when Ariel was placed into foster care she was overweight. She has since lost the weight and is in an average percentile for her age. Ariel is not taking any medications at this time and is current on all of her immunizations.*

[redacted]

ii. Mental Health

[redacted]

[redacted]

Ariel is currently receiving ongoing individual play therapy [redacted] *Ariel was reported to have some mental issues that caused her to pull out her own hair and refer to herself in the second person. RCG reported that at times, when Ariel was good she would refer to herself as another name, but when she was bad, she would say that she was Ariel.* [redacted] *Ariel did not disclose any sexual abuse at the time of the interview, but it was reported later by RCG that Ariel's reactions and comments after the interview was concerning. Ariel is also waitlisted to begin SA therapy when services can be initiated.*

iii. Education

[redacted]

Ariel attend Special Education Preschool at Waimanalo Elementary School and has an Individual Education Plan to best fit her needs. Ariel is reported to be doing well in school and loves to go to school. Department of Education providers have reported that Ariel has multiple absences due to the various injuries she has sustained throughout the school year since August 2019. Ariel is now able to count from 1-20, sing songs and has a better memory retention for recognizing words and numbers.

1.2 `Ohana Time (Visitation) with parents (1) and sibling(s):

Ohana Time Visitations have currently been suspended due to Ms. Joseph not calling to confirm visitations. DHS SW has left voicemails on Ms. Joseph's internet phone number to have her contact DHS. DHS will make reasonable efforts to meet with Ms. Joseph to discuss barriers that may be preventing her from attending regular Ohana Time Visitations and services.

DHS has been unable to locate father, Mr. Sellers, at this time to establish visitations.

☐ ***NA, Family Supervision***

2. Placement (3)

[ ] Reasonable efforts do not apply in this case as a finding of aggravated circumstances was made by the court on (date).

2.1 Child's Date of Entry into Foster Care. [redacted]
Ariel 2/8/19

2.2 [redacted] On 2/8/19
DHS assumed placement responsibility of [redacted] Ariel Sellers .

2.3 Placement history has been as follows:

[redacted]

On 2/8/19 Ariel [redacted] *removed from the family home and placed in the* [redacted] *foster home* [redacted]

[redacted]

2.4 Assessment of the Safety of the Child's Placement, date and results:

Safety of Placement was completed on 10/23/19. The special licensed resource caregiver home was assessed and found to be safe for [redacted] *Ariel* [redacted] *based on licensing policies and procedures.*

2.5 Placement prevention/reasonable efforts during this reporting period.

☒ *NA, Child not removed; there was no potential removal. This section was completed in a prior report.*

Yes	No	
[ ]	[ ]	Was prevention of placement appropriate given the circumstances in this case?
[ ]	[ ]	Was placement assessed as preventable?
[ ]	[ ]	Would prevention of placement pose an unacceptable risk to the child?
[ ]	[ ]	Were parents willing and able to take the necessary action to prevent placement?

2.6 Under the circumstances present in this case the parents/legal guardian(s) were provided the following opportunities to prevent placement during this reporting period:

☒ *NA, Child not removed; there was no potential removal.*

Yes	No	
		Provide a narrative under each statement to document reasonable efforts taken by CWS to maintain the child safely in the home and to prevent the child's removal.
[ ]	[ ]	**The parents/legal guardian(s) were given time to make changes that would ensure the safety of the child in the home.** Ms. Joseph was offered and agreed to an in-home safety plan for [redacted] Ariel on 10/31/18, and a family service plan. Mother did not participate in any of the services required in the family service plan, and continued to use drugs. On 2/8/19 [redacted] Ariel were removed from the family home. DHS reviewed the services plan with Ms. Joseph and was gave Ms. Joseph ample time to participate in services to ensure the safety of [redacted] in the family home.
[ ]	[ ]	**The family was offered treatment and services to resolve the safety issues/factors in the home.** Ms. Joseph was offered service referrals to participate in services. Ms. Joseph did not initiate or participate in services such as substance abuse treatment, participating in random drug screening, parenting education, domestic violence counseling, and individual counseling and completing a psychological evaluation.
[ ]	[ ]	**Extended family members were sought who could ensure the safety of the child in the home.** DHS has contacted family members such as MGM, however, MGM reported that she was overwhelmed at this time and not able to provide care for [redacted]. [redacted].
[ ]	[ ]	**The family was asked to agree to court jurisdiction and an immediate service plan.** Ms.Joseph was notified of court jurisdiction and has agreed to court jurisdiction
[ ]	[ ]	**The Non-perpetrating parents/legal guardian(s) and child were asked to leave the home to a safe environment.** There is no non-perpetrating parent.
[ ]	[ ]	**The perpetrator was asked to leave the home.**

[X]	[ ]	**Parents were offered and agreed to an in-home safety plan** Ms. Joseph was offered and agreed upon and in-home safety plan for [redacted] Ariel, and [redacted] placed in court ordered family supervision on 11/7/18. Ms. Joseph did not adhere to the family service plan.

2.7 Child's Living Situation at time of Removal:

[redacted] Ariel Sellers were living in family home at time of removal with MGM. [redacted]

3. FAMILY: (4 – 10, 13)

3.1 Parent's background (history) (4)

Mother: Melanie Joseph

No current information provided by Ms. Joseph at this time.

Melanie Joseph is 30 years old, born and raised in Hawaii and graduated from Castle High School in 2006. Ms. Joseph reported that she attended culinary arts classes at Windward Community College during high school years to make up credits. Ms. Joseph reported that since graduating from high school Ms. Joseph has not pursued college but wants to go back to college to pursue a degree in a medical profession, so she can find a good job and be able to care for her children. Ms. Joseph is currently unemployed at this time and is not in school.

Ms. Joseph has three biological siblings, Brother Derek who lives in Palolo, Sister Alisha who lives in Kalihi and her brother Alika passed away two years ago from cancer. Ms. Joseph and [redacted] Ariel are living with maternal grandmother Barbara Kumai in Waimanalo.

Ms. Joseph reported that as a child, Ms. Joseph was put into foster custody along with her siblings at the age of 15-years-old. DHS placed Ms. Joseph in a relative foster placement with maternal uncle, Uncle Latham. Ms. Joseph aged out of the system while in foster care. Ms. Joseph reported seeing her mom and dad do drugs; smoke marijuana and meth. Ms. Joseph that as a child, she witnessed domestic violence between her parents and described her childhood as "okay, and a mix of everything."

[redacted]

Ms. Joseph reported that she didn't really use meth until her brother passed away two years ago and then she got bad. Ms. Joseph stated that she and her boyfriend, the father of all the children, were living at Weinberg village but were evicted for non-payment of rent, about 8 months ago. Ms. Joseph admitted that domestic violence in the relationship between them and stated that father is a trigger for her drug use, and Ms. Joseph is currently not in a relationship with father. She reported using alcohol from the age of 17, but only drinks a few times a year. Ms. Joseph reported smoking cigarettes, a pack a day since she

was 16-years-old. In 2016, she reported she began smoking ice and used daily, [redacted] She reported using Vicodin pills for a couple of years, but denies any use since 2016.

[redacted] Ms. Joseph did an assessment and went in to the Women's Way program, but left after three days. She has stated that she is willing to go back into Women's Way. Ms. Joseph agreed with SW to make an appointment with Women's Way as soon as possible.

During a home visit with Ms. Joseph on 01/25/2019, she disclosed that she made contact with the Women's Way program but was denied an assessment because Ms. Joseph had a history of entering their program and leaving the program on three different occasions.

Alleged Natural Father: Adam Sellers

Mr. Sellers whereabouts are currently unknown at this time, no current information provided at this time.

3.2 History of assaultive behaviors/domestic violence (6)

Ms. Joseph has not engaged in DV classes since the onset of the case. DHS is unable to update history for Ms. Joseph.

Mr. Sellers whereabouts are currently unknown at this time, no current information provided at this time.

3.3 History of substance abuse (7)

Ms. Joseph has not engaged in DV classes since the onset of the case. DHS is unable to update history for Ms. Joseph.

Mr. Sellers whereabouts are currently unknown at this time, no current information provided at this time.

3.4 Identified perpetrator (s) (8)
Mother-Melanie Joseph
Alleged Natural Father-Adam Sellers

3.5 Protective non-perpetrator(s) (9)
There is no protective non-perpetrator

3.6 Support system/Attempts to locate and place with family or friends (10)
Family finding was completed on 12/27/18. The department has utilized placement with a family friend whom mother has identified as a placement.

3.7 Appropriate parenting skills (13)

Ms. Joseph has not engaged in parenting education classes since the onset of the case. Ms. Joseph initially agreed to cooperate with DHS to engage in services. DHS provided referrals for mother to engage in services, however, services were closed due to mother not making contact with providers. Ms. Joseph lack of engagement in parenting education demonstrates that she is not motivated to seek new resource and learn new parenting strategies that would enable her to provide appropriate parenting to her children.

DHS has been unable to maintain locate Mr. Sellers to engage him in parenting education classes. At this time, due to Mr. Seller's lack of engagement, DHS is unable to assess parenting skills. Mr. Seller's has not demonstrated a motivation to contact DHS to engage in services.

3.8 Psychological/developmental evaluation (5)

DHS provided referrals to Family Programs for Ms. Joseph to complete a Psychological evaluation. Ms. Joseph was scheduled to complete an evaluation On 05/12/2019 but was a no-show. Soon after, Ms. Joseph lost contact with DHS to reschedule the evaluation. SW reconnected with Ms. Joseph in December to discuss re-referrals, however, Ms. Joseph reported that she did not have access to a regular cell phone number for providers to contact her. DHS will continue to make efforts to engage Ms. Joseph in services.

Mr. Sellers whereabouts are currently unknown at this time, no current information provided at this time.

4. UTILIZATION OF RECOMMENDED SERVICES (11)

THE SAFETY OF THE CHILD IS PARAMOUNT. WITHOUT COMPROMISING THE SAFETY OF THE CHILD, reasonable efforts must be made to preserve the family unit and prevent the removal of the child from the family home and to return the child to a safe family home, by providing appropriate and available services to the family in a timely manner.

( ) Reasonable efforts do not apply in this case as a finding of **Aggravated Circumstances** was made by the court on

4.1 Service recommendations/progress by family

- **Complete a Substance assessment and recommended treatment and random drug screenings through Hina Mauka: (Non-compliant)**

- 07/25/19-DHS provided a referral to Hina Mauka.
- 7/31/19-Hina Mauka closing letter received for Ms. Joseph due to non-participation, not able to make contact with mother.
- 8/20/19-DHS provided a referral to Hina Mauka for random drug screening and assessment.
- 8/23/19-Hina Mauka closing letter due to non-participation, unable to make contact with mother.
- 9/4/19- Ms. Joseph was scheduled for a Substance Abuse assessment but arrived late. The meeting was rescheduled to 9/23/19.
- 9/23/19-Ms. Joseph was a no-show to the Substance Abuse assessment meeting.

- *February 2020, as-to-date, Ms. Joseph has not engaged in services. DHS SW has made continual efforts to meet with Ms. Joseph to update her current information and to provide re-referrals for services, Ms. Joseph has been evasive and has not returned calls. No progress to date.*

- **Comprehensive Counseling and Support Services to address parenting education and domestic violence services: (Non-compliant)**
  - *DHS has not been able to engage Ms.Joseph to discuss re-referral for services. DHS will continue in its effort to engage mother in services.*
  - *No progress to date.*

- **Complete Psychological Evaluation and Recommended treatment: (Non-compliant)**
  - *DHS provided the following referrals to Family programs Hawaii on the following dates: 02/13/19, 3/20/19 and 04/11/19.*
  - *DHS has attempted multiple phone calls to internet number: (808) 400-5446 with no success. Ms. Joseph has not returned SW calls. DHS continue to make efforts to meet and engage Ms. Joseph in services.*
  - *No progress to date.*

4.2 *DHS efforts with Face to Face Visits with Child since the last court hearing.*

Date of Visit	Name of child	Location of visit, i.e. home, school, office, others	Name of SW	Reasons for no monthly SW visit
[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	
01/22/19	[redacted] Ariel Sellers	Maternal grandmother's (MGM) residence	Maili S. Taele	
2/8/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
03/12/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
04/09/19	Ariel [redacted]	Resource caregiver home	Maili S. Taele	
[redacted]	[redacted]	[redacted]	[redacted]	
5/17/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
6/12/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
7/03/19	[redacted] Ariel [redacted]	Waimanalo McDonalds	Maili S. Taele	
8/21/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
9/13/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
10/21/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
11/18/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
12/12/19	[redacted] Ariel [redacted]	CWS office	Maili S. Taele	
12/31/19	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	
1/30/20	[redacted] Ariel [redacted]	Resource caregiver home	Maili S. Taele	

4. 3 Other Efforts including visits with parents, resource parents, referrals done, Ohana Conferences, family findings, placement with relatives, ICPC, phone calls, etc.

- *Ongoing attempts to make contact with Ms. Joseph.*
- *EPIC Ohana Conference meetings with maternal relatives and resource caregivers.*
- *EPIC Family finding and Family Connections.*
- *Act 199 applications provided to relatives.*
- *Ongoing attempts to locate whereabouts of Mr. Sellers.*
- *DHS referrals to providers for services.*
- *Location action requests completed for Mr. Sellers and unknown natural father.*
- *Placement with close family friend.*
- *Ongoing communication with primary care doctor, Dr. Titcomb.*
- *Ongoing communication with child therapists.*
- *Ongoing communication with GAL.*
- *Ongoing communication with resource caregivers.*
- *Referral to Multi-Disciplinary Team for assessment.*
- *Ongoing communication with Shriners hospital.*
- *Ongoing communications with SATC clinic.*
- [redacted]
- *Coordinating and maintain visitations for Ms. Joseph.*
- *Ongoing communications with Early Intervention Providers.*
- *Ongoing communications with Hoomau Early Home Visiting program.*
- *Ongoing communication with maternal relatives.*

5. PERMANENCY PLANNING (12)

5.1 ☒ Concurrent permanency plan is reunification and [X] adoption
Or [ ] legal guardianship.

☐ NA (Family Supervision case)

5.2 DHS' efforts to finalize the permanency plan

1. The reasonable efforts made by DHS to finalize permanency for children within the last twelve months:

   DHS provided referrals for services for Ms. Joseph to address substance abuse issues to Hina Mauka Substance Abuse Treatment center on 7/25/19, 8/20/19 and on 9/23/19. Referrals were also made to CCSS, Family Programs Hawaii to address family service plan. DHS completed Family Finding through EPIC Ohana and completed two Ohana Conference meetings on 02/14/2019 and 11/18/2019 to discuss case

direction, provide referrals and establish family connections. DHS considered other possible family relatives for foster placement and provided interested relatives with an Act 199 form to complete the licensing process. DHS made reasonable efforts to maintain family connections with maternal grandmother and children by conducting special visits with maternal grandmother, [redacted] and Ariel. DHS worked with Ms. Joseph to maintain consistent Ohana Time Visitations with the children. DHS made reasonable efforts to contact Ms. Joseph to re-engage her in services and to discuss barriers that may be preventing Ms. Joseph from engaging in services. [redacted] *Initially, maternal grandmother worked with DHS to be a point of contact for Ms. Joseph where DHS and providers could leave messages for mother. Maternal grandmother later changed her phone number and lost contact with DHS.*

DHS has had ongoing discussions with resource caregivers regarding permanency during home visits. RCG's reported that they would like to be a forever home [redacted]

2. The continued safety concerns for children and continued need for out-of-home placement.

DHS has met with Ms. Joseph to review case direction and the Family Service Plan on 1/22/2019 and during an Ohana Conference meeting on 03/12/19. DHS provided Ms. Joseph with referrals and offered a bus pass for transportation to and from services, however, Ms. Joseph did not engage in services. Ms. Joseph maintained minimal contact with DHS by only attending Ohana Time Visitations [redacted]. *Throughout the duration of the case, attempts were made to re-engage Ms. Joseph in services, however, Ms. Joseph cited that she did not have a regular phone number or identification. Ms. Joseph has not demonstrated the motivation to address safety concerns such as substance abuse that still remain prevalent in the family home. At this time, Ms. Joseph continues to have unresolved issues and lacks the parenting ability to provide a safe and stable home for her children.*

DHS has not been able to locate Mr. Sellers to engage him in services. Mr. Sellers contacted DHS once on 8/18/19 throughout the duration of the case. Mr. Sellers reported at that time that he wanted to engage in services and to review the Family Service Plan with DHS SW on

08/28/19. Mr. Sellers was a no-show to the meeting with the DHS SW and soon after lost contact with DHS. Mr. Seller's whereabouts are unknown at this time.

Both parents have made no efforts to maintain communication and cooperation with DHS to resolve safety issues. DHS continues to have concerns about parent's ability to provide a safe family home for their children.

3. The extent of progress that each party has made to comply with the case plan and the progress made to make the home safe.

Ms. Joseph has not engaged in any services. No progress to date.

Mr. Sellers has not engaged in any services, initially his whereabouts have been unknown. Per Vinelink, as of 2/16/2020, Mr. Sellers is currently incarcerated at OCCC.

4. The extent of progress each party has made to resolve the safety issues that necessitated the initial and current need of out of home placement for children.

Both parents have not engaged in services since the initial onset of the case to resolve safety issues in the family home. Parents continue to have unresolved issues that necessitate continued out-of-home placement [redacted].

5. Likely projected date children can be returned to a safe family home, N/A____

6. If will not be returned to a safe family home indicate the permanency Goal for children and the projected date for achieving the permanency Goal in the following order of preference:

- ❖ Termination of parental rights is expected by 05/2020___
- ❖ _X__Placed for adoption by __07/2020___
- ❖
- ❖ ___Referred for legal guardianship by _____
- ❖ ___Placed permanently with a fit and willing relative by _____ or
- ❖ ___Placed in another planned permanent custody living arrangement (non-relative) but only in cases where the department has documented to the court a compelling reason for determining it would not be in the best interest of the child to follow one of the three specific options above by _____

☐ If the Permanency goal is legal guardianship/permanent custody, the CWS worker verifies that the child meets all of the following presumptive eligibility requirements for kinship guardianship assistance payments:

a) That the prospective permanent caretaker meets the definition of "kin";
b) that the child resided with the prospective permanent kin caretaker for at least 6 consecutive months prior to the award of LG/PC;
c) that the child was eligible for foster board payments during those same 6 months; and
d) That the prospective permanent kin caretaker's home was unconditionally licensed during those same 6 months.

7. If children are not being returned home, indicate all in-state and out-of-state placement options reviewed and considered.

DHS considered maternal relatives for placement. DHS completed family finding for possible family connections. Initially DHS provided Ms. Joseph with an in-home safety plan to keep [redacted] Ariel in the family home, however, was unsuccessful. [redacted]

9. If children are currently living in a different state than the legal custodian, indicate whether that current placement continues to be in the best interest of children

Child currently living in the same state as both parents.

10. Efforts made to include and inform children of the proposed permanent plan or transition plan in a manner that was age appropriate.

Child is not age appropriate at this time.

11. If child is at least sixteen years old, what services are needed to help assist her transition from foster care into independent living.

Not age appropriate at this time.

5.3 Compelling Reasons to waive requirement to file for motion for TPR.

Due to Ms. Joseph's and Mr. Seller's lack of motivation and willingness to engage in services, it is apparent that parents will not in the foreseeable future be able to provide a safe and stable home for [redacted] Ariel [redacted].

For this reason, DHS is pursuing the termination of parental rights.

6. FAMILY'S ABILITY TO CHANGE (12) AND ASSESSMENT: (14)

6.1 Family's demonstrated willingness and ability to resolve safety issues in the home within a reasonable time frame. (12)

It does not appear at this time that Ms. Joseph and Mr. Sellers are willing to participate in services to resolve their safety issues in the family home as evident by their lack of participation in services. Ms. Joseph has had minimal contact with DHS with the exception of only participating in Ohana Time Visitations. DHS attempted to engage Ms. Joseph in helping her to overcome her barriers that prevented her from engaging in services but she was not willing to maintain communication and was not consistent with calls or meeting with SW. There is no doubt that Ms. Joseph cares deeply for her children, however, she has demonstrated that she lacks the ability to provide a safe and stable home for her children. Mr. Seller's lack of engagement and willingness to engage in services speak volumes as to his ability to provide a safe and stable home for his children. Since the onset of the case, Mr. Sellers, as a father, only contacted DHS one time in September 2019 to schedule a meeting with DHS SW in which he was a no-show. Both parents were afforded ample amount of time to engage in services to resolve their safety issues in the home, however, even with the support of a family service plan was unable to resolve safety issues that remain prevalent in the family home.

6.2 Department's decision regarding the service direction of the case and why that decision is in the best interest of the child.

For the above reasons, DHS is convinced that even with the assistance of a Family Service Plan, Mr. Sellers and Ms. Joseph are unable to provide a safe and nurturing home for their children in a reasonable amount of time. DHS recommends that Foster Custody of [redacted] Ariel Sellers [redacted] be continued until Permanent Custody [redacted] is ordered.

[redacted] Ariel Sellers have been in placement since 02/08/19 for 12 months. Ms. Joseph and Mr. Sellers were afforded ample time to learn and demonstrate their ability to provide a safe family home and to address safety concerns that initiated CWS intervention.

At this time, DHS continues to have ongoing concerns that parents lack the ability to provide a safe family home for [redacted] Ariel [redacted] as they have not made efforts to communicate with DHS and to engage in services to address substance abuse issues, domestic violence and any other issues that are prevalent in the family home. At this time, Mr. Seller's whereabouts are unknown at this time.

[redacted] Ariel [redacted] require a nurturing home to enhance their development and sense of security. [redacted] unable to wait any longer for parents to commit to services and to make progress in those services as well as to understand the needs of their children. Parents have not worked to resolve safety issues in the home.

DHS believes that the goal of adoption for [redacted] Ariel [redacted] is the children's best interest. Resource caregivers [redacted] have provide a safe and stable home [redacted]

As such, DHS continues to have concerns that issues that predicated and necessitated DHS involvement still remain prevalent in the family home.

7. RECOMMENDATION:

	Temporary foster custody of the child/ren. The home is unsafe and temporary foster custody of the child is needed to protect the child from imminent harm.
	Foster custody of the children be awarded for _____. The family home is unsafe at this time, even with the assistance of a service plan.
	Foster custody of the child be continued for ____. The family home is unsafe at this time even with the assistance of a service plan.
X	**Termination of parental rights and an award of permanent custody to the department or other appropriate entity. (Use of this choice requires a full set of 14 factors)** The home is unsafe. The parents are not able now or in the foreseeable future to provide a safe family home for the child/ren, even with the assistance of a service plan. The permanent plan dated _____is in the best interest of the child. The child, if over 14, agrees with the permanent plan.

7.1 Other recommendations:

	Foster Custody of be continued to DHS until Permanent Custody is ordered.
X	Family Service Plan dated 10/31/19 be continued until the Permanent Plan 2/13/2020 is ordered.
	The attached Family Service Plan dated be made an order of the court.
	A periodic Review hearing be heard no later than _____
	A permanency hearing be heard no later than _____

	A Motion for TPR trial be set within the next 60 days after the Court made a finding that aggravated circumstances are present.
	Other:

Respectfully submitted by,

2/20/2020

Maili S.Taele Date:
DHS Social Worker, East Oahu Child Welfare Services

2/20/20

Elizebeth Saga-Petaia Date:
DHS Supervisor, East Oahu Child Welfare Service

Confidential Report of the Department of Human Services

IN THE FAMILY COURT OF THE CIRCUIT
STATE OF HAWAII

IN THE INTEREST OF:

[redacted])
)
Ariel Sellers **DOB:** [redacted]/14) **FC-S No: 18-00280**
)
[redacted])
)

PERMANENT PLAN
(February 18, 2020)

☒ This is an initial report to be read in conjunction with any other reports submitted and dated: 11/2/2018, 02/11/2019, 05/07/2019 and 10/23/2019.

Date of last hearing: 02/25/2020 Type of Hearing: Permanency

[redacted]

On February 8, 2019, DHS assumed placement of [redacted] Ariel Sellers via court order because of confirmed physical neglect by parents Ms. Melanie Joseph and Mr. Adam Sellers.

Child's Date of Entry into Foster Care. [redacted] Ariel Sellers-2/8/19.

Date of last face to face contact by the assigned worker with the Seller/Joseph minors:

DHS face to face visit was on 01/30/2020 with [redacted] Ariel, [redacted] and resource caregiver.

Indicate the permanency goal for the child and the projected date for achieving the permanency goal in the following order of preference:

- Termination of parental rights is expected by **May 2020.**
  - _XX__Placed for adoption by **July 2020.**
    ____ Referred for legal guardianship by _____
  - ____Placed permanently with a fit and willing relative: by ____ or
  - ____Placed in another planned permanent custody living arrangement(non-relative) but only in cases where the department has documented to the court a compelling reason for determining it would not be in the best interest of the child to follow one of the three specific options above by ___

☐ If the Permanency goal is legal guardianship/permanent custody, the CWS worker verifies that the child meets all of the following presumptive eligibility requirements for kinship guardianship assistance payments:

a) that the prospective permanent caretaker meets the definition of "kin";
b) that the child resided with the prospective permanent kin caretaker for at least 6 consecutive months prior to the award of LG/PC ;
c) that the child was eligible for foster board payments during those same 6 months; and
d) that the prospective permanent kin caretaker's home was Unconditionally licensed during those same 6 months.

CHILD:

Child's current situation

[redacted]

Ariel Sellers:
Ariel is a 5-year-old little girl who is physically active and loves to play on the playground and with her toys.

◊ **GOAL : HEALTH:**
- Objective: Assure that Ariel's physical health and dental needs will be met.
- Service: medical and dental insurance with HMSA Quest.
- Target date of completion: Till age of majority.

Ariel has medical insurance with HMSA Quest and is primary care facility and dental care is with Waimanalo Health Center. Ariel's primary care doctor is Dr. Titcomb. Ariel is current on all of her immunizations and is currently in good health, however, Ariel is prone to fractures and falls and has had a history of multiple fractures on her fingers, collar bone and leg. Ariel is being closely monitored by Dr. Titcomb and Shriners Hospital to determine if the fractures are due to other medical conditions.

[redacted]

Ariel Sellers:
Ariel is in Special Education Preschool services at Waimanalo Elementary School. She currently has an Individualized Education Plan to address her cognitive and academic needs.

- **GOAL: EDUCATION**
  - Objective: Assure that Ariel continues to receive adequate and appropriate education that fits her needs.

- Service: Ariel continues to complete her schooling.
- Target date of completion: Diploma or GED equivalent.

Ariel is an energetic little girl who reportedly loves to attend school and has many friends. She is able to count from 1-20 and is now able to sing nursery songs and recognize some shapes and colors.

[redacted]

Ariel Sellers:
Ariel is a very happy little girl who is friendly and loves the attention of adults.

◊ **GOAL: COUNSELING**
- Objective: To provide Ariel with ongoing counseling to address any past traumas.
- Service: Ariel is currently in play therapy.
- Target date of completion: Ongoing as deemed appropriate or clinical discharge.

Ariel is a spirited little girl with lots of energy who reportedly loves play therapy. Ariel has demonstrated behaviors such as pulling out her hair, scratching her face and hands, having meltdowns for long periods of time, referring to herself in the 3rd party, having multiple personalities, displaying impulsive behaviors and swearing. Play therapy has been beneficial in teaching Ariel how to cope with her feelings when she becomes angry, frustrated or worried. She has learned to regulate her emotions and to advocate her wants and needs.

[redacted]

[redacted]

Ariel Sellers :
Ariel is 5-year-old little girl who is very observant little girl who is able to advocate for her wants and needs.

- ◊ GOAL: PREPARATION FOR INDEPENDENT LIVING
  - Objective: To assure that Ariel learns the skills to prepare her for independent living when she turns 18-years-old.
  - Service: Ariel will be referred to Imua Kakou when she turns of age.
  - Target date of completion : This program is voluntary in which Ariel can receive independent living benefits and case management if she independently seeks the resource, benefits and programs that are available to help her to become independent.

Ariel is a bright little girl with a promising future ahead of her. She enjoys school and loves to learn.

[redacted]

[redacted]

Connections:

[redacted]

[redacted] Ariel [redacted] bonded to [redacted] resource caregiver who is a close family friend who maintains communication with maternal relatives that live in their same community.

Placement

Child's placement history:

[redacted]

2/08/19- Present, [redacted] Ariel Sellers was placed [redacted] in a child-specific licensed resource caregiver home with a close family friend.

Assessment of the safety of the child's placement:

Safety of Placement was completed on 10/23/19. The special licensed resource caregiver home was assessed and found to be safe for [redacted], Ariel [redacted] based on licensing policies and procedures.

Has the current placement been identified as the child's permanent placement?

Yes, resource caregivers have stated that they would like to adopt [redacted]

Is the children's placement stable? Yes

Services provided to the Child's resource family to support child's permanency goal:

- ◊ **GOAL : STABILIZE PLACEMENT**
  - Objective: Provide services as requested.
  - Service: Post Permanency services or other appropriate services.
  - Target date of completion: Ongoing till age of majority.

PERMANENCY PLANNING

A. DHS efforts to finalize permanency plan

1. Describe progress toward achieving the goal of the plan, reasonable efforts made by DHS to finalize permanency for [redacted] Ariel Sellers [redacted] within the last twelve months.

DHS provided referrals for services for Ms. Joseph to address substance abuse issues to Hina Mauka Substance Abuse Treatment center on 7/25/19, 8/20/19 and on 9/23/19. Referrals were also made to CCSS, Family Programs Hawaii to address family service plan. DHS completed Family Finding through EPIC Ohana and completed two Ohana Conference meetings on 02/14/2019 and 11/18/2019 to discuss case direction, provide referrals and establish family connections. DHS considered other possible family relatives for foster placement and provided interested relatives with an Act 199 form to complete the licensing process. DHS made reasonable efforts to maintain family connections with maternal grandmother and children by conducting special visits with maternal grandmother, [redacted] and Ariel. DHS worked with Ms. Joseph to maintain consistent Ohana Time Visitations [redacted]. DHS made reasonable efforts to contact Ms. Joseph to re-engage her in services and to discuss barriers that may be preventing Ms. Joseph from engaging in services. [redacted] Initially, maternal grandmother worked with DHS to be a point of contact for Ms. Joseph where DHS and providers could leave messages for mother. Maternal grandmother later changed her phone number and lost contact with DHS. DHS has had ongoing discussions with resource caregivers regarding permanency during home visits. RCG's reported that they would like to be a forever home to [redacted]

[redacted]

2. Describe any proposed revisions to the goals of the plan and reasons for the revisions.

Not applicable. No revisions proposed.

3. Describe proposed revisions to the objectives for achieving the goals of the plan and reasons for the revisions.

Not applicable.

4. Describe proposed revisions to the services for achieving the goals of the plan and reasons for the revisions

Not applicable.

5. Any safety issues/factors for [redacted], Ariel Sellers [redacted]: NONE

6. Indicate all in-state and out-of-state placement options reviewed and considered.

DHS considered maternal relatives for placement. DHS completed family finding for possible family connections. Initially DHS provided Ms. Joseph with an in-home safety plan to keep [redacted] Ariel in the family home, however, was unsuccessful. [redacted]

7. If the Seller/[redacted] is currently living in a different state than the legal custodian, indicate whether that current placement continues to be in the best interest of the children.

Not applicable.

8. Efforts made to include and inform [redacted] Ariel Sellers [redacted] of the proposed permanent plan or transition plan in a manner that was age appropriate.

[redacted] Ariel Sellers have been proposed of the permanent plan in an age appropriate manner and is in agreement with termination of

parental rights. [redacted]

[redacted]

[redacted] Ariel Sellers [redacted] deserve to be adopted into a home where they can feel safe and stable and are in support of this goal.

A permanency hearing be heard no later than 05/2020

Respectfully submitted by

Maili S. Taele, MSW - DHS Social Worker Date: 2/20/20

Elizabeth Saga-Petaia – EOCWSU4 Supervisor Date: 2/20/20

Puafisi Tupola, EOCWS Section Administrator Date: 2·20·20

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 NOTICE OF MOTION

NOTICE OF MOTION

TO: REBECCA LESTER, ESQ.
P. O. Box 701030
Kapolei, Hawaii 96709
Attorney for Mother

ADAM SELLERS
Homeless
Father

JESSIE ADDISON
CASA Program
Family Court, First Circuit
4675 Kapolei Parkway
Kapolei, Hawaii 96707
Guardian Ad Litem

YOU ARE HEREBY NOTIFIED that the foregoing Motion to Terminate Parental Rights will be heard before the presiding Judge of the above-entitled Court, on Tuesday, Feb. 25, 2020, at 8:30 AM, in the Family Court, Ronald T.Y. Moon Kapolei Courthouse, 4675 Kapolei Parkway, Kapolei, Hawaii 96707, or as soon as thereafter as counsel may be heard.

You are hereby advised that if you fail to appear on the date set forth in this notice or to file an answer with the clerk of the Family Court of the First Circuit, whose mailing address is 4675 Kapolei Parkway, Kapolei, Hawaii 96707, before the date of the hearing, further action shall be taken without further notice to you and your parental and custodial duties and rights concerning the child(ren) who is/are the subject of the petition may be terminated by award of permanent custody and that such child(ren) may then be placed for adoption.

DATED: Kapolei, Hawaii, FEB 21 2020.

SIMEONA A. MARIANO
Deputy Attorney General

Attorney for the Department
of Human Services

CLARE E. CONNORS 7936
Attorney General

SIMEONA A. MARIANO 8093
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
Kapolei Building
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96707
Telephone: 693-7081

Attorneys for Department of
Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of [redacted] ARIEL SELLERS, Born on [redacted] 2014; [redacted]	FC-S No. 18-00280 ORDERS CONCERNING CHILD PROTECTIVE ACT [ ] EXHIBIT "A" JUDGE: Bode A. Uale DATE: February 25, 2020 8:30 a.m.

ORDERS CONCERNING CHILD PROTECTIVE ACT

The following parties were present:

[ ] Melanie Joseph, mother;
[X] Adam Sellers, father of Ariel;
[ ] [redacted], [redacted];
[redacted] Ariel
[ ] _____, _____;
[X] Maili Taele, DHS social worker;

Also present were:

[X] Rebecca Lester, counsel for mother;
[X] Jacob Delaplane, counsel for father;
[X] Lehua Kalua, resource caregiver;
[X] Isaac Kalua, resource caregiver;
[X] Jessie Addison, CASA program social worker;
[X] Jacquelynn Levien, CASA, guardian ad litem CASA;
[X] Simeona A. Mariano, deputy attorney general.

The following parties were not present at the hearing:

[X] Melanie Joseph (Mother) who was defaulted at the hearing on February 26, 2019 and the default is continued;

[X] [redacted] who was/were not served, however, a reasonable effort has been made to locate him/her/them and it would not be in the best interests of the child(ren) to postpone the proceedings until service can be completed;

[ ] _____ who was/were excused;

[X] Melanie Joseph (Mother) for whom three calls were made with no response [X] and was defaulted;

[X] [redacted] for whom three calls were made with no response [X] and were reserved.

Based upon the record and/or the evidence presented, the Court finds that:

A Under the circumstances that are presented in this case, DHS has made reasonable efforts to finalize the concurrent permanency plan which in this case is [X] reunification [X] adoption;

B Each party present at the hearing understands that 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 stated in the service plan, their parental and custodial duties and rights shall be subject to termination;

___ Each term, condition, and consequence of the service plan dated October 31, 2019 [ ] as modified, has been explained to and is understood by each party present at the hearing;

C [redacted]

D [redacted] Ariel's date of entry into foster care was February 9, 2019;

E The Children's current placement is safe and appropriate;

F The projected date for [X] reunification [X] adoption [ ] legal guardianship [ ] permanent custody is within six months;

G The parties [ ] have made progress toward resolving the problems that necessitated placement [X] have not made progress toward resolving the problems that necessitated placement;

H The current resource family was given actual notice of this hearing [ ] by written notice [X] when they were present at the last court hearing;

I The children in foster care were given actual notice of this hearing [ ] by written notice [X] when they were present at the last court hearing;

J Father was/were served with a summons and certified copy of the petition through his attorney;

___ The DHS has made reasonable efforts to complete or have the children's parents complete:
[ ] the medical information form for father;
[ ] the medical information form for mother;
[ ] the medical records release form for father;
[ ] the medical records release form for mother; and
[ ] a signed release from mother to receive a copy of all of her medical records relating to the birth of the child(ren);

___ The Indian Child Welfare Act ("ICWA") does not apply to this case because no party to this case has indicated that the children are Indian children and no information has been discovered that suggests that the children are an Indian children;

K Father acknowledged receipt and service of the DHS' Motion to Terminate Parental Rights, filed on February 24, 2020;

L Father and the DHS agreed to a short continuance for the DHS to prepare a family service plan for Father;

M Father requested visits with the children and indicated he is willing to voluntarily do services;

THEREFORE, IT IS HEREBY ORDERED THAT:

1 Foster custody is continued;

___ The service plan dated October 31, 2019 [ ] as modified, is ordered by the Court and attached as Exhibit "A" and made a part of this order;

2 All parties are ordered to appear at a [X] periodic review hearing [ ] permanency hearing [X] continued return hearing as to Father, Adam Sellers, [redacted]
[X] the DHS' Motion to Terminate Parental Rights, filed on February 24, 2020 on March 25, 2020 at 9:30 a.m., before the presiding judge;

___ The DHS report and plan are due on _____ and the GAL report is due on _____;

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

___ Any psychological or psychiatric evaluations prepared in connection with this matter, shall only be distributed to the DHS social worker, the Deputy Attorney General, the Guardian Ad Litem, and counsel for the parents. The evaluation or copy of the evaluation shall not be provided to the parents or any other party without prior authorization from the Court;

___ The DHS social worker is authorized to release copies of the psychological and/or psychiatric evaluations to service providers on this case;

___ All parties are ordered to appear at a trial on _____ _____ at _____; pretrial statements, exhibit lists and witness lists are due by _____;

4 Mother is/are defaulted for failure to appear and notice of future hearings is waived;

___ The entry of default against _____ is set aside prospectively only, provided that, no prior orders are set aside;

5 Father may be permitted reasonable supervised or unsupervised visitation with the children at the discretion of the DHS in consultation with the guardian ad litem ("GAL");

___ _____, counsel for _____, is discharged effective _____ because _____ _____, [ ] subject to recall;

___ _____, counsel for _____, is discharged effective _____ because _____ _____, [ ] subject to recall;

6 The DHS' Motion to Terminate Parental Rights, filed on February 24, 2020, is continued;

7 Father has thirty days from today to file written objections to the DHS exhibits that were entered into evidence today, subject to cross examination;

8 The DHS shall prepare a family service plan for Father;

9 Father is ordered to contact the DHS social worker immediately upon his release from custody;

DATED: Kapolei, Hawaii, FEB 25 2020.

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

COURT CLERK: Merle

ORIGINAL

DC. 4/20/20

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	PROOF OF SERVICE	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF [redacted] ARIEL SELLERS [redacted]

Last Appearance Date	PO / Section
Issue Date of Summons	**Next Appearance Date**
Feb. 19, 2020	February 25, 2020

Re: Referral #, Referral Source #, Referral Reason

I certify that I received and served the documents as indicated below.

NAME/STATUS/DOCUMENT	SERVICE INFORMATION		
	DATE	TIME	PLACE
1. ADAM SELLERS ☐ CHILD ☒ PARENT ☐ OTHER ☒ SUMMONS ☒ PETITION ☐ CITATION ☐ MOTION ☐ ORDER FOR TEMP FOSTER CUSTODY AND NOTIFICATION OF HEARING PETITIONS AND SUMMONS ☒ OTHER: SFHR/FSP	UNSERVED NOT HOUSED IN OCCC. SELLERS IS HOUSED IN FDC. NEED 2-3 Days to arrange Service. UNABLE TO		
2. Director or Representative of DPS ☐ CHILD ☐ PARENT ☒ OTHER ☒ SUMMONS ☒ PETITION ☐ CITATION ☐ MOTION ☐ ORDER FOR TEMP FOSTER CUSTODY AND NOTIFICATION OF HEARING PETITIONS AND SUMMONS ☐ OTHER Shelly Harrington	Serve	DUE TO TIME CONSTRAINTS. 8:30	919 ALA MOANA BLVD
3. _____ ☐ CHILD ☐ PARENT ☐ OTHER ☐ SUMMONS ☐ PETITION ☐ CITATION ☐ MOTION ☐ ORDER FOR TEMP FOSTER CUSTODY AND NOTIFICATION OF HEARING PETITIONS AND SUMMONS ☐ OTHER			
4. _____ ☐ CHILD ☐ PARENT ☐ OTHER ☐ SUMMONS ☐ PETITION ☐ CITATION ☐ MOTION ☐ ORDER FOR TEMP FOSTER CUSTODY AND NOTIFICATION OF HEARING PETITIONS AND SUMMONS ☐ OTHER			

UNSERVED DOCUMENTS

I certify that, despite due and diligent search, I was unable to locate persons upon whom service was ordered, and therefore the attached documents are being returned as unserved.

PLEASE EXPEDITE RETURN OF SERVICE TO FAMILY COURT

DATE	SERVER'S SIGNATURE	
2-24-20	Nelson Tamayori - Process Server	TITLE ☐ PROBATION OFFICER ☐ LAW ENFORCEMENT OFFICER ☐ SHERIFF

R. PASCUAL

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
2020 FEB 25 PM 2:28

[Vol. 5 - 0077] 286

DC. 3/25 PM

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**ORDER APPOINTING COUNSEL FOR** [ ] MOTHER [×] FATHER [ ] OTHER: _____	CASE NUMBER FC-S No. 18-00280

IN THE INTEREST OF	ATTORNEY'S NAME, JD #, ADDRESS, & PHONE NO.:
Sellers Children: [redacted] [redacted] Ariel Sellers Born on [redacted] 2014 [redacted] [redacted]	Jacob Delaplane #9347 707 Richards Street, Penthouse 8 Honolulu, Hawaii 96813 Ph: 358-4942
	APPOINTED FOR (Name & relationship to minor(s)): Adam Sellers (ANF)

Good cause appearing, IT IS ORDERED that, pursuant to HRS §§ 571-8.5(8) and 578A-17, private counsel, Jacob Delaplane is appointed under the [×] professional services contract [ ] 60/90 contract to represent the person named above until the final disposition of the case unless the case unless sooner discharged by the court.

IT IS ALSO ORDERED that said counsel shall serve effective February 25, 2020,

[×] 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 and in an amount to be determined by the court.

[ ] IT IS FURTHER ORDERED that any matters relating to the HRS Ch. 587A Petition filed in this case are consolidated with FC-_____ No. _____.

DATE: FEB 26 2020

Kapolei, Hawai'i

JUDGE'S SIGNATURE

PRINT JUDGE'S NAME: Bode A. Uale

cc: Fiscal
Prof Svc Contract Prog Specialist/Juv Client Svcs Branch Special Svcs Section
Court Officer: Dennis Castro
Mother's Atty: Rebecca Lester
Father's Atty: Jacob Delaplane
GAL: Jessie Addison
DAG: Simeona Mariano
Others: _____

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
2020 FEB 26 PM 12:20
J. SANTIAGO
CLERK

STATE OF HAWAI'I
FAMILY COURT OF THE
FIRST CIRCUIT

EXHIBIT LIST

CASE NUMBER
FC-S No. 18-00280

In the Interest of

[redacted]

ARIEL SELLERS,
Born on [redacted] 2014;

[redacted]

SIMEONA A. MARIANO 8093
Deputy Attorney General
Kapolei Building
1001 Kamokila Blvd., Suite 211
Kapolei, Hawaii 96707
Telephone: 693-7081
Counsel for DHS

JUDGE: BODE A. UALE

CLERK: M. CASTILLO

DATE OF TRIAL OR HEARING
February 25, 2019

EXHIBIT NO. IDENTIFY NO. CODE STATE'S	OFFERED FOR IDENTIFICATION	RECEIVED IN EVIDENCE	WITHDRAWN	OVER OBJECTION	DESCRIPTION OF EXHIBIT	DATE R = RETURNED D = DESTROYED OTHER COMMENTS
~~54~~ 55		X			[redacted]	
~~55~~ 56		X			State of Hawai`i Certificate of Live Birth for Ariel Pilialoha Sellers	
~~56~~ 57		X			[redacted]	
~~57~~ 58		X			ICWA from Department of Interior for Tribal Affiliation dated December 10, 2019	
~~58~~ 59		X			Multidisciplinary team conference and Consultation Services Referral / Request Form dated December 27, 2019	
~~59~~ 60		X			Shriner's Progress Notes, Medical Records re: Ariel Sellers dated December 9, 2019	
~~60~~ 61		X			Joseph / Sellers Ohana Conference Summary dated November 18, 2019	

FOR OFFICE USE ONLY

LOCATION OF EXHIBITS

☐ Attached ☐ Other _____
☐ Shelf No. _____
☐ Code No. _____

DATE | RECEIVED | PAGE _____ OF _____ PAGES

M. N. TANAKA
CLERK

2020 FEB 26 PM 12:43
1ST CIRCUIT COURT
STATE OF HAWAII
FILED

STATE OF HAWAII
FAMILY COURT OF THE
FIRST CIRCUIT

EXHIBIT LIST
CONTINUATION SHEET

CASE NUMBER
FC-S No. 18-00280

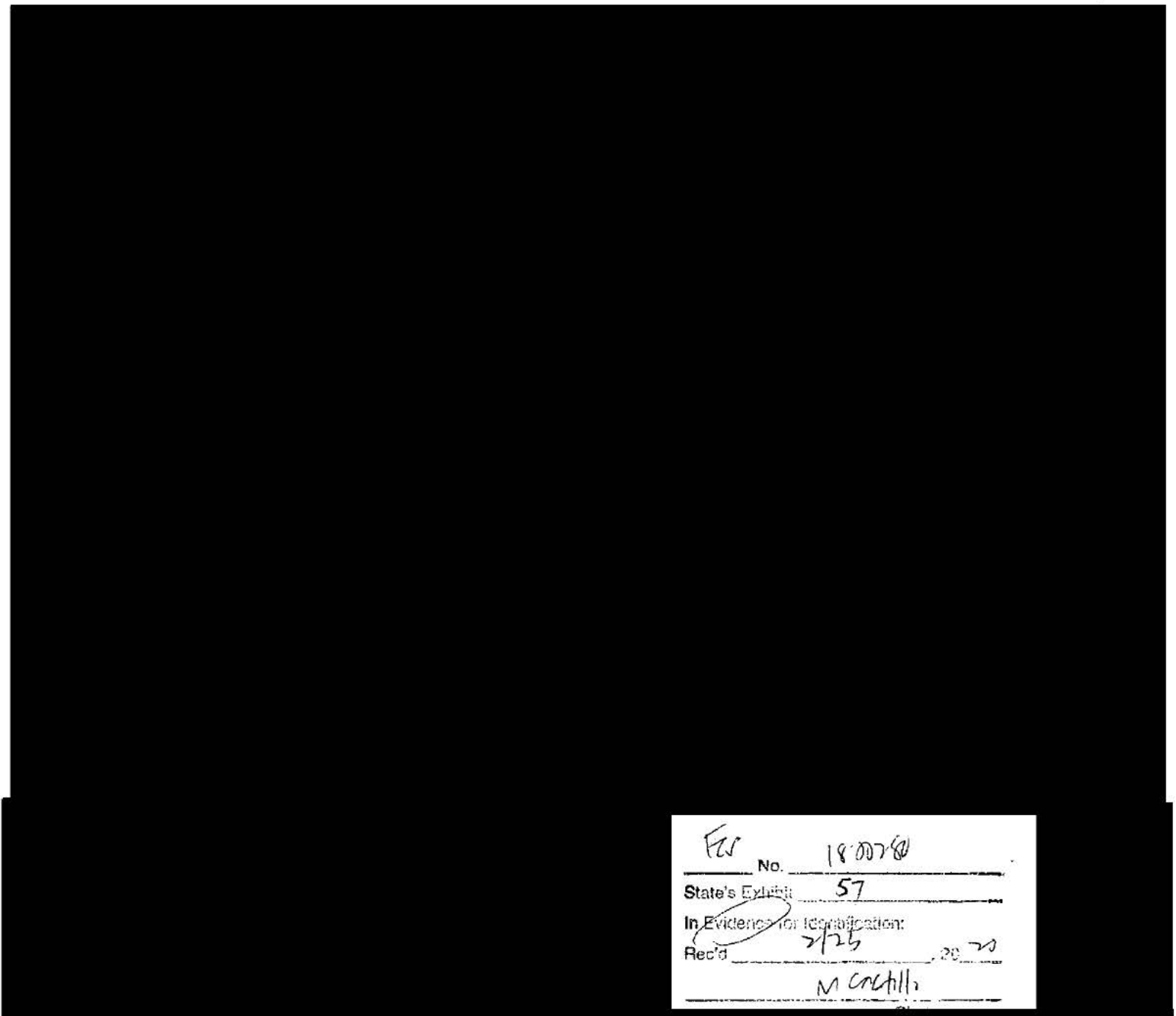
EXHIBIT NO. IDENTIFY NO. CODE STATE'S	OFFERED FOR IDENTIFICATION	RECEIVED IN EVIDENCE	WITHDRAWN	OVER OBJECTION	DESCRIPTION OF EXHIBIT	DATE R = RETURNED D = DESTROYED OTHER COMMENTS
~~61~~ 62		X			DHS Safe Family Home Report dated February 18, 2020	
~~62~~ 63		X			DHS Permanent Plan dated February 18, 2020	
~~63~~ 64		X			Multidisciplinary Team Conference Report dated February 7, 2020	

[redacted]

Ky	No.: 18-0028
State's Exhibit	63
In Evidence for identification:	
Rec'd	2/25 20 20
	M. Cochill
	Clerk

[redacted]

For No. 18-00298
State's Exhibit 56
In Evidence for identification
Rec'd 2/25 20 20
M Cinchilli
Clerk



FV No. 18.007(B)
State's Exhibit 57
In Evidence for Identification:
Rec'd 2/25 20 25
M Cuchillo

FEB 1 1 2010

CERTIFIED COPY OF
ABSTRACT OF THE RECORD ON FILE IN
THE HAWAII STATE DEPARTMENT OF HEALTH

STATE REGISTRAR

United States Department of the Interior

2800 Cottage Way
Sacramento, Ca 95825
Response Letter to ICWA Child Custody Notification/Request for Indian Ancestry

December 10, 2019

Dear Requester: **Erin L. S. Yamashiro**
1001 Kamokila Blvd. Ste., 211
Kapolei, HI 96707

In accordance with the Indian Child Welfare Act (ICWA) requirements at 25 U.S.C. § 1912 (a), 25 C.F.R. § 23.11 and § 23.111, on **12/9/2019** we received your notification of a child custody proceeding and/or request for assistance in identifying the possible tribal affiliation of: [redacted] **Ariel Pilialoha Sellers** [redacted]**/2014)**: [redacted]

The Bureau of Indian Affairs (BIA) does not determine Tribal eligibility, nor do we maintain a comprehensive list of persons possessing Indian blood. This type of information must be obtained from the Tribe itself, if Tribal affiliation can be determined. Under 25 U.S.C. § 1912 (a), 25 C.F.R. § 23.11 and § 23.111, notices must be sent to a Tribe or Tribes by registered or certified mail.

In accordance with 25 C.F.R. § 23.11(d), BIA "will make a reasonable attempt to identify and locate the child's Tribe, parents, or Indian custodians to assist the party seeking the information." Based on the information provided:

☒ The notice contains insufficient information to determine Tribal affiliation (25 C.F.R. § 23.11 (d)) When additional information becomes available, please forward the Notice to the appropriate Tribe(s) using the latest ICWA Designated Tribal Agents List. This list is available on BIA's website.

☐ The Tribal affiliation identified in your inquiry: identifies a Tribe that is not a federally recognized Tribe; therefore, ICWA does not apply. In addition, Canadian Tribes or First Nations are not covered by ICWA.

☐ The ICWA Notice states a possible Tribal affiliation with an Alaska Native Tribe. For verification purposes, please contact the Bureau of Indian Affairs, Alaska Regional Office at: BIA/Alaska Regional Office, Attn: BIA Human Services Director, 3601 C Street, Suite 1100, Anchorage, Alaska 99503-5947 Phone: (907) 271- 4111 or (907) 271-4507.

☐ Please send the information you provided to the following Tribe(s) the family has identified: (see attached contact information) for their action, as each Tribe is responsible for determining membership or eligibility for membership in their respective Tribe(s).

☐ In the letter, you have identified the father as alleged or presumed. ICWA at 25 U.S.C. § 1903(9) states that "parent … does not include the unwed father where paternity has not been acknowledged or established." If the alleged/presumed father is the only parent with possible Tribal affiliation, ICWA does not apply to this Notice until paternity is established. At that time, please notify the appropriate Tribe(s).

FCS No. 18-00280
State's Exhibit 58
In Evidence for Identification:
Rec'd 7/15 20 20
M Cahill

57

☐ We acknowledge that you have notified the family's identified Tribe(s) based on your inquiry with the family according to 25 U.S.C. § 1912 (a). You are required to follow up with the Tribe(s) you have identified if they have not responded. (See attached list of contact information)

☐ Other Action:

Please direct any further questions regarding our response to the Bureau of Indian Affairs - **Pacific Region** Branch of Human Services at **(916) 978-6000**.

Sincerely,

Social Services Representative for
Pacific Region Region/Agency
Bureau of Indian Affairs

Multidisciplinary Team Conference and Consultation Services Referral/Request Form

Child & Family Service
91-1841 Fort Weaver Road, Ewa Beach, HI 96706
Phone: (808) 748-3106 Fax: (808) 748-3148

(Please Check)

☑ Multidisciplinary Team Conference

☐ Individual Consultation
- ___ Physician
- ___ Psychiatric Nurse
- ___ Clinical Psychologist
- ___ Clinical Social Worker

☐ Court Testimony

****

Reason for Referral:
- ☐ Diagnostic – Assessing the presence or absence of child abuse/neglect; threatened harm
- ☐ Service Planning – Assisting in the development of an appropriate service plan for the family
- ☐ Case Review / Direction – Assessing the current status of the case
- ☑ Assessing the safety of the home for child(ren)
- ☐ Other:

Routine Psychotropic Monitoring: Are any of the children taking psychotropic medication? ☐ Yes

Case Name: Joseph, Melanie CWS Case Number: 118225

Child(ren) Name: [redacted]Ariel Sellers[redacted]

CWS Worker Contact:

Worker Name: Maili Taele Section and Unit: Sec35/EOCWSU4-10

Email Address: mtaele@dhs.hawaii.gov request made by supervisor: Pam Nakanelua/428-6423 pnakanelua@dhs.hawaii.gov

Contact Phone #: 832-5450 Contact Fax #: 832-5947

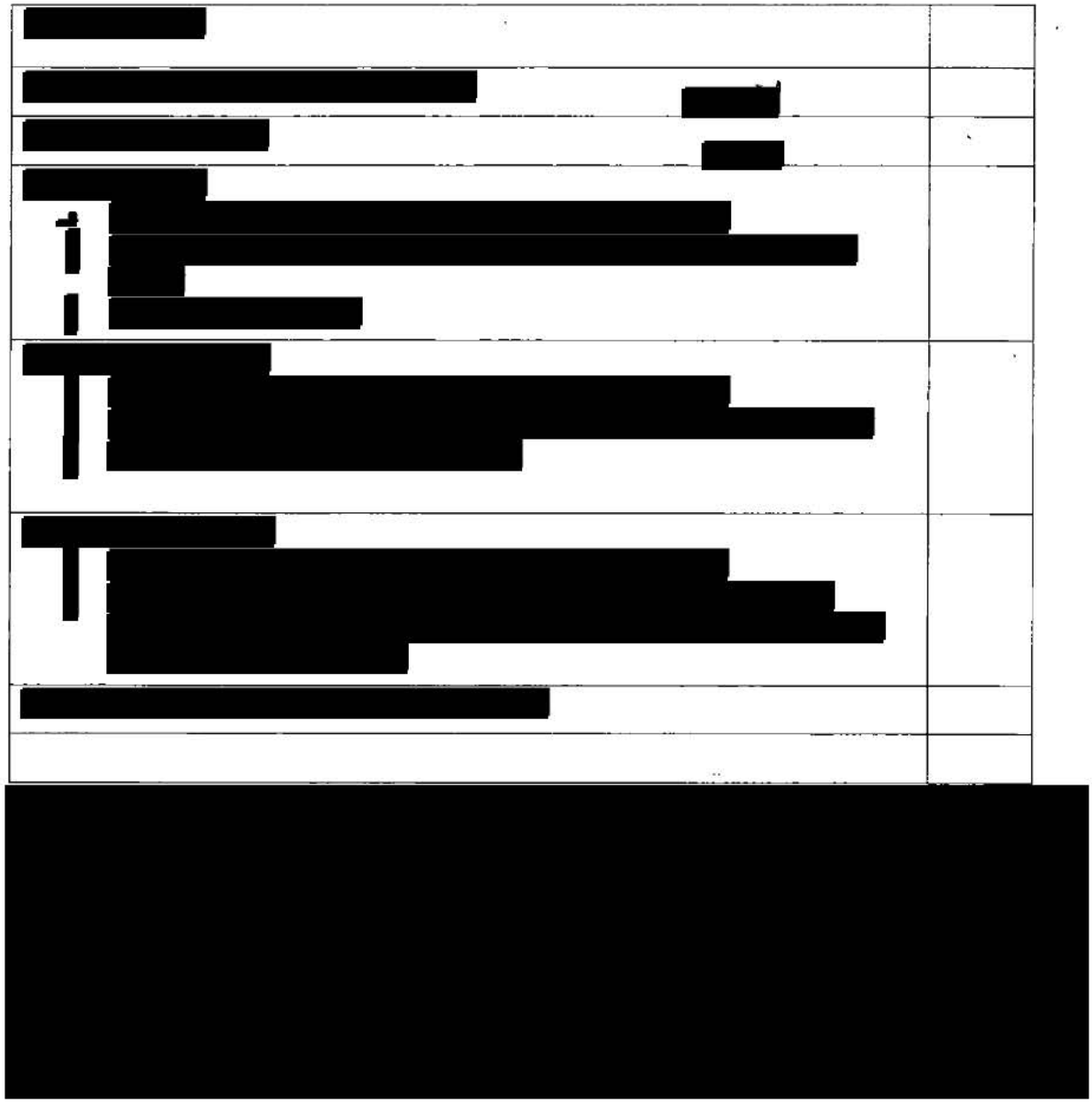
Those you would like to invite to the meeting – Name / phone / email (if available)

1. Alyssa Foster--PACT Hoomau--841-2245
2. Shriners representative
3. ___
4. ___

* Please attach CPS Intake Document

FC No. 18-00028
State's Exhibit 59
In Evidence for identification:
Rec'd 2-25-20
M. Gschill.

[redacted]



Request Documents/Information pr[redacted] to MDT

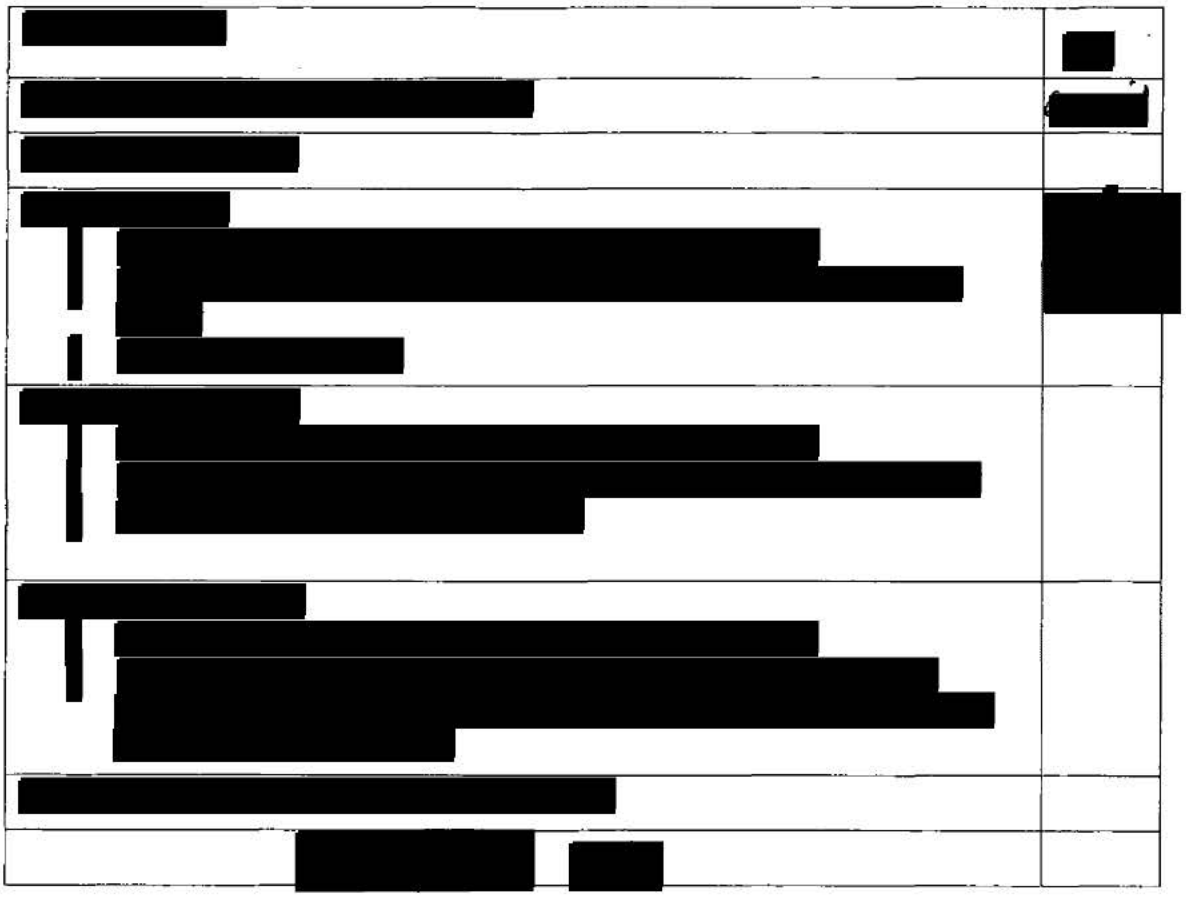
DHS Case Name: Joseph, Melanie **Child's name:** Sellers, Ariel

Case Number: 118225 **Fax/Email Date:** _____

DHS CWS intake	✓
Safe Family Home Report and Guidelines	email
Previous MDT reports	none
Medical records: • Completed PHI (Consent) (see instructions to complete) • Name/contact information for pediatrician, dentist, and/or medical facility • Immunization Records	✓ email
Psychological records: • Completed PHI (Consent) (see instructions to complete) • Name/contact information for mental health provider and/or facility • Additional mental health information	
Social Worker records: • Completed PHI (Consent) (see instructions to complete) • Name/contact information for school, community provider, other community provider (e.g., programs, Ohana conference, EPIC services, visitation information, etc.) Waimanalo el.	✓
Other documentation you'd like MDT to review.	
IEP	

Requested Documents/Information prior to MDT

[redacted]



RECEIVED DEC 3 0 2019

91-1841 Fort Weaver Road
Ewa Beach, HI 96706
Phone: 808.681.3500
Fax: 808.681.3510
Email: cfs@cfsoahu.org
www.childandfamilyservice.org

Child & Family SERVICE

To:	From:
Shriners Hospital	Joan Cuyno
	Date: MONDAY, DECEMBER 30, 2019
Fax number: 961-3790	Total number of pages including cover: 3

Re: PHI Request - Release of Medical/Therapy Records/Immunization Records

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Notes/Comments:

Please fax records to us for this individual. These are for an upcoming Child and Family Service Multidisciplinary Team (MDT) meeting scheduled for Friday, 11/8/19. We are requesting the following:

Records for:

Ariel Sellers DOB: [redacted]/14

Please fax to 808-748-3148 and to

Social Worker, Maili Taele @ 832-5947

If you have any questions, please feel free to call us... 808-748-3106.

Joan Cuyno for

Stacey A. Yim, Psy.D.
MDT Lead Clinical Psychologist and
Team Coordinator, Child and Family Service

FCI No. 18-0028
State's Exhibit 60
In Evidence for Identification:
Rec'd 2/5 20 20
M. Cahill
Clerk

"We're all about FAMILY"

Mission: Strengthening Families and Fostering the Healthy Development of Children

Shriners Hospitals for Children
Honolulu Hospital
1310 Punahou Street
Honolulu, HI 96826-1027

Progress Notes

DOCUMENT NAME:	Outpatient Progress Note
SERVICE DATE/TIME:	12/9/2019 14:30 HST
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Nishimoto APRN,Michael (12/9/2019 19:30 EST)
SIGN INFORMATION:	Moroz MD,Paul (12/17/2019 08:28 HST); Nishimoto APRN, Michael (12/16/2019 14:19 HST)

Outpatient Note

PATIENT: Sellers, Ariel MRN: 3472578

EXAM DATE: 12/09/2019

ATTENDING PROVIDER: Paul Moroz, MD

DICTATING PROVIDER: Michael Nishimoto, ARNP

OUTPATIENT VISIT PROGRESS NOTE

HISTORY:
Ariel is a 5-year-old female with history of unwitnessed closed traumatic right small finger and left ring finger proximal phalanx fractures, which were first noticed on October 14, 2019. There is suspicion that the actual date of injury was earlier than this due to the amount of hypertrophic extensive fracture callus already present on those x-rays. She is accompanied today by her foster parents.

On November 8, 2019, Ariel was seen for followup. During this visit, a bump over the right clavicle was discovered which radiographically showed a closed traumatic angulated right midshaft clavicle fracture. There was no witness of injury for the clavicle fracture. Due to the history of multiple unwitnessed injuries without complaints of pain, there was concern for a diagnosis of possible congenital insensitivity to pain. Foster mother says that she rarely cries, even after hard falls or injuries. She will also have bumps and bruises from falls.

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

Ariel has a complex social history as her biologic birth parents were known drug users and homeless. There is concern for possible in utero drug and alcohol exposure with Ariel [redacted]. She previously lived with maternal grandmother, [redacted] She participates in play therapy with Regina, and is also involved in the guardian ad litem and Epic Ohana program. Per foster mother, she has a diagnosis of placement disorder and reactive attachment disorder. Further details of her social history are detailed in my note on November 8, 2019.

Foster mother says that Ariel has done well since her last visit. She never complains of pain. Parents will catch her cracking her knuckles and playing with her injured fingers. Her left ring finger and right small finger are still thick and wide. Her right clavicle seems to be doing well. Foster mother will to try to put her into the sling everyday, but she does come out of it without problems. They often have to prevent her from doing at risk activities such as climbing furniture, and she does not appear to show any pain or limitations. Mother inspects Ariel's skin daily during bath time, and they have kept close monitoring of any new bruises, scrapes, or injuries. Ariel's visits with biologic mother are now reportedly supervised.

PHYSICAL EXAMINATION:
Ariel is awake, alert, and in no apparent distress. She has slight dysmorphic facial features with midface hypoplasia, coarse facial features, prominent chin, and wide mouth.

Upper extremity examination: Left ring finger and right small finger are thick and the skin remains slightly taut. Skin over these fingers are also dry and peeling. She actively can flex her fingers into a fist, but has limitations at the MCP (metacarpophalangeal) and PIP (proximal interphalangeal) joints and does flex fully, however, there does not appear to be any alignment issues. Her hands are pink, warm, and well perfused. Forearms have good pronosupination. Upper extremity range of motion is full. Right shoulder range of motion is full. She has a palpable visible bump over the right midshaft clavicle in the area of the fracture. She is nontender with palpation over this area and there are no skin changes. She does have dry slightly erythematous abrasion on her right neck and an abrasion on her right cheek which mother says she is aware of. The abrasion on her neck may be from the seatbelt when she sleeps in the car. She has no other skin lesions or ecchymosis. She demonstrates active shoulder elevation, abduction, and rotation.

X-RAYS:

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

Bilateral hand x-rays were obtained. She continues to have hypertrophic callus formation at the right small finger and left ring finger proximal phalanx. MCP (metacarpophalangeal) joint appears unaffected and not involved. No angulation.

IMPRESSION:
Ariel is a 5-year-old female with complex medical, social history with recent history of unwitnessed right small finger and left ring finger proximal phalanx fractures first noticed on October 14, 2019. She also has a right midshaft clavicle fracture (also unwitnessed) with estimated date of injury around late October/early November 2019. She is approximately 6 weeks status post this injury. Because she did not show any pain symptoms on either occasion of injury and they were unwitnessed, the diagnosis of congenital insensitivity to pain cannot be ruled out. She also has a quite complex social history described above and as well as in the note from November 8, 2019.

PLAN:
1. Nature of the findings was reviewed today with Ariel's foster parents. Following plan of care was also reviewed with Dr. Paul Moroz, attending orthopaedic surgeon.
2. Follow up in 6 months, sooner if any questions or concerns.
3. Discussed the nature of the finger and right clavicle fractures. These will need to be monitored. Full healing for her clavicle fracture will be approximately 12 weeks after injury. She is to avoid any activities at risk for falls.
4. Recommendation to keep a daily journal of pain, falls, or injuries. Continue communication with teachers on daily basis, as well to monitor for any falls or injuries. Documenting reaction to falls and symptoms of pain were also discussed.
5. Ariel comes from a complex social history. She is involved in play therapy. [redacted]
6. Ariel is still involved in the CPS (child protective services) system. Her social worker, Maile, can be contacted at 832-5450 if there are any concerns.

Plan of care was reviewed, all questions were answered, and Ariel's foster parents had no further questions at this time.

CC: CPS

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

DD: 12/9/2019 19:30:00 EDT
TD: 12/9/2019 21:07:44 EDT/GM

Electronically Signed: Nishimoto APRN, Michael
Sign Date and Time: 12/16/2019 14:19 HST

Electronically Signed: Moroz MD, Paul
Sign Date and Time: 12/17/2019 08:28 HST

Shriners Hospitals for Children
Honolulu Hospital
1310 Punahou Street
Honolulu, HI 96826-1027

Progress Notes

DOCUMENT NAME:	Outpatient Progress Note
SERVICE DATE/TIME:	11/8/2019 15:15 HST
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Nishimoto APRN,Michael (11/8/2019 20:15 EST)
SIGN INFORMATION:	Moroz MD,Paul (11/19/2019 17:14 HST); Nishimoto APRN, Michael (11/19/2019 15:16 HST)

Outpatient Note

PATIENT: Sellers, Ariel MRN: 3472578

EXAM DATE: 11/08/2019

ATTENDING PROVIDER: Paul Moroz, MD

DICTATING PROVIDER: Michael Nishimoto, ARNP

OUTPATIENT VISIT PROGRESS NOTE

HISTORY:
Ariel is a 5-year-old female who presented to Shriners Hospital on 10/30/2019 for injuries to her right small finger and left ring finger. She is accompanied today by her foster mother, aunty, [redacted].

Ariel has a complex social history. Her biologic parents are known drug users and homeless. There is concern for in utero drug exposure and possible other substances during mother's pregnancy with Ariel[redacted]

Ariel was seen at the Shriners Hospital walk-in injury clinic where x-rays showed hypertrophic callus formation over the left ring finger and right small finger over the proximal phalanges. These were nonangulated, non intra-articular fractures. The initial date of injury is suspected to be October 14, 2019. Ariel rubbed her hand against a table when she initially complained of some pain. Foster mother looked at her hand and noticed that her finger was quite swollen. She initially thought it was an insect/spider bite due to the

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

increased swelling. She also noticed that the finger on the opposite hand was also swollen. She took Ariel to the Castle emergency room where x-rays were obtained and showed the fractures as per above. At the emergency room, Ariel said that [redacted], which is what caused the injury. However this was unwitnessed. Mother was told to follow up with Shriners Hospital. Post injury, she had hyperpigmentation and thickened peeling skin over the fingers that were fractured. To mother's knowledge, this is Ariel's first fracture. She denies any known history of previous long bone fractures. Due to the extensive callus formation over the fingers, she was not treated with any casting or immobilization. She is now approaching 4 weeks status post the initial injury.

On today's visit, foster mother points out a hard bump over her right clavicle that she noticed a few days ago after she returned back from a visit with her biologic mother.

Ariel said that she fell off of the monkey bars during that visit. She denied much pain and was using the right arm normally. She was not favoring it. Foster mother says that she appears to be strongly left-hand dominant.

Foster mother and aunty say that Ariel rarely complains of any pain even after falling. Mother says she falls quite frequently even with just walking.

As mentioned above, Ariel has a complex social history. Prior to being under foster mother's care, she was living [redacted] in her grandmother's house. The living situation was reportedly substandard with concern for drug use, gambling, [redacted]. Ariel [redacted] are enrolled in play therapy with Gina (last name unknown). She is also involved with the guardian at litem and EPIC Ohana. Per foster mother, she has a diagnosis of placement disorder and reactive attachment disorder. [redacted] Ariel [redacted] have "supervised" visits with biologic mother on Thursdays. There is concern that these visits may not be entirely supervised [redacted]. When Ariel returns back home from these visits, the foster mother says that Ariel's behavior is much different. She will be aggressive, fight, hit them, and say mean things, pull out her hair, run around screaming naked, and defecate on the floor and rub the feces on her face and throw it at her family members. It will generally take Ariel a few days to return back to her normal self, which she describes as a loving, obedient, and cooperative child. Foster mother would like to adopt Ariel [redacted].

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

Ariel denies any complaints of pain or discomfort today. She is moving her upper extremities well. There are no other concerns.

PHYSICAL EXAMINATION:
Ariel is awake, alert, and in no apparent distress. She has dysmorphic facial features with midface hypoplasia, coarse facial features, prominent chin, wide mouth, and bleeding at the left inside corner of her lips. Mother says that she always chews inside of her mouth, tongue, and lips to the point that it bleeds.

Upper extremity examination: Thick tight swollen left ring finger and right small finger. She allows some passive flexion at the PIP (proximal interphalangeal) and DIP (distal interphalangeal) joints of these fingers. The previously hyperpigmented dark skin over these fingers have been peeled off. Mother says that she found Ariel pulling her right small finger all the way backwards and did not seem to be in any pain today. She also has a large prominent hard bump over the right mid/medial clavicle area. She is nontender and does not guard to palpation over this area. She actively abducts her shoulder above her head and elevates the shoulder above her head without limitation. She is fully weightbearing over the right upper extremity as she climbs onto the table. She has full range of motion at her shoulders, elbows, and wrists bilaterally.

Spine: Straight. No hairy patches, lesions, or dimples along the spine.

Lower extremity examination: No leg length discrepancy. Unremarkable orthopaedic lower extremity examination.

Skin: Ariel has areas of ecchymosis on her body including the right lower back, right anterior superior iliac spine, and bilateral anterior shins. There are no open lesions, wounds, or bleeding. She also has mild subungual hematomas under her left great toenail and under her right thumbnail.

Sclera was normal. Dentition was fair. No dentinogenesis imperfecta.

Gait: Arial walks with a neutral foot progression angle and heel-to-toe gait. Nonantalgic.

X-RAYS:
Full skeletal survey was ordered. She has a displaced angulated closed traumatic midshaft right clavicle fracture. There is evidence of some callus formation at the fracture site. There appears to be about 1 cm of shortening.

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

Dorsal angulation of approximately 35 degrees. There are no other skeletal abnormal findings or areas of previous fracture or Harris growth arrest lines. Growth plates are normal.

IMPRESSION:
Ariel is a 5-year female with a complex medical social history with recent history of unwitnessed right small finger and left ring finger proximal phalanx fractures first noticed on October 14, 2019. Suspicion that the actual date of injury was earlier than this due to the amount of hypertrophic extensive fracture callus already present on those day's x-rays. She also presents today with the finding of a closed traumatic angulated right midshaft clavicle fracture. Again there was no witness of injury and no symptoms of pain, weakness, or favoring of the right upper extremity. Differential diagnosis includes a possible congenital insensitivity to pain. Based off of the radiographic findings of the clavicle fracture, best estimate would be that the fracture is between 7 to 14 days old.

PLAN:
1. Nature of the findings was reviewed today with Ariel's family. The patient was seen by Dr. Paul Moroz and Dr. Jonathan Pellett, attending orthopaedic surgeons.
2. Helena Fontillas, social worker, was consulted and also visited with the family today due to the complex social situation. She will call Ariel's CPS (child protective services) worker (Malie 832-5450) to further discuss the case and our concerns.
3. Our concern is for Ariel's safety. Our recommendation would be for fully supervised visits with the biologic mother to be supervised at all times. Foster mother says that a judge has recently ruled the visits with the biologic mother will now take place at the CPS office.
4. I called and spoke with one of Ariel's primary care providers, Dr. Lianne Chang, pediatrician at the Waimanalo Health Center. She will discuss our concerns with Ariel's primary care provider, Dr. Carol Titcomb, who is off today.
5. Dr. Louise Iwaishi, Shriners Hospital director of pediatrics, was also consulted today.
6. We provided a sling for Ariel's right upper extremity. She can use this at school, but is okay to come out of it when she is at home to move the shoulder and elbow. She has shown no signs of pain or injury thus far.
7. No specific orthopaedic treatment recommended for the fingers which appear to be well healing well.
8. Follow up will be in 3 weeks with Dr. Paul Moroz, attending orthopaedic surgeon, sooner if any questions or concerns.
9. Recommended to foster mother to keep a close monitoring of Ariel's skin daily and to keep a journal of any abnormal falls. She can also keep an ongoing

Shriners Hospitals for Children
Honolulu Hospital

Progress Notes

journal with her school teachers to document any injuries. If the patient does have a congenital insensitivity to pain, injuries will be hard to determine.

Plan of care was reviewed, all questions were answered, and Ariel's foster mother had no further questions at this time.

CC:
CPS

DD: 11/8/2019 20:15:00 EDT
TD: 11/9/2019 16:06:35 EDT/GM

Electronically Signed: Nishimoto APRN, Michael
Sign Date and Time: 11/18/2019 15:16 HST

Electronically Signed: Moroz MD, Paul
Sign Date and Time: 11/19/2019 17:14 HST

Shriners Hospitals for Children
Honolulu Hospital
1310 Punahou Street
Honolulu, HI 96826-1027

History and Physical

DOCUMENT NAME:	Outpatient History and Physical
SERVICE DATE/TIME:	10/31/2019 07:35 HST
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Mitsunaga MD,Kyle (10/31/2019 13:35 EDT)
SIGN INFORMATION:	Mitsunaga MD,Kyle (11/20/2019 11:18 HST)

Outpatient H and P

PATIENT: Sellers, Ariel MRN: 3472578

EXAM DATE: 10/30/2019

ATTENDING PROVIDER: Kyle Mitsunaga, MD

DICTATING PROVIDER: Kyle Mitsunaga, MD

OUTPATIENT VISIT HISTORY AND PHYSICAL EXAMINATION REPORT

HISTORY

CHIEF COMPLAINT:
Bilateral finger injury.

HISTORY OF PRESENT ILLNESS:
Ariel Sellers is a 4-year-old right-hand dominant female who presents with a chief complaint of left ring finger and right small finger injury. She presents to Shriners Hospital walk-in injury clinic. Injury occurred October 14, 2019. She was apparently playing with [redacted] She reports the immediate onset of pain and swelling. She went to Castle emergency department. Radiographs were obtained 10/14/2019 which showed fractures of the left ring finger proximal phalanx and right small finger proximal phalanx. She was told to follow up with Shriners Hospital for specialty care. She did not follow up until now 2 weeks post injury. She is accompanied by foster mother. She reports Ariel does not appear to be in significant pain. She did have significant swelling and ecchymosis which has

Shriners Hospitals for Children
Honolulu Hospital

History and Physical

resolved. She denies fevers, chills, or other signs of infection.

PAST MEDICAL HISTORY:
No chronic illnesses.

PAST SURGICAL HISTORY:
None.

MEDICATIONS:
No regular medications.

ALLERGIES:
No known drug allergies.

SOCIAL HISTORY:
She lives with foster parents. She is in prekindergarten at Waimanalo Elementary. Birth parents per mother had drug problems.

FAMILY HISTORY:
Unknown per foster mother.

REVIEW OF SYSTEMS:
Complete review of systems was performed and was negative except for history of present illness as documented on data intake sheet.

PHYSICAL EXAMINATION

GENERAL:
Well-appearing female in no acute distress.

MEASUREMENTS:
Height 108 cm, weight 19.1 kg.

HEENT:
Normocephalic, atraumatic.

LUNGS:
Nonlabored respirations.

CARDIOVASCULAR:
Distal pulses palpable.

Shriners Hospitals for Children
Honolulu Hospital

History and Physical

EXTREMITIES:
Focused physical examination of the bilateral hands demonstrate swelling of the left ring finger and right small finger. There does appear to be skin changes including hyperpigmentation. No ecchymosis, no open wounds. She has minimal tenderness to palpation over the left ring finger and right small finger. No other areas of tenderness. No snuffbox tenderness. She is able to make a full fist.

RADIOGRAPHS:
AP and lateral radiographs left ring finger and right small finger were reviewed. These demonstrate extensive callus formation overlying the proximal phalanges of the left ring finger and right small finger, significant almost hyperostotic response. There is no evidence of fracture displacement.

IMPRESSION:
Closed traumatic left ring finger proximal phalanx and right small finger proximal phalanx fractures.

PLAN:
Radiographs show extensive callus formation. She has no history of other long bone fractures. She still has a moderate amount of swelling and overlying skin hyperpigmentation changes. I have a low suspicion for infection because she has no pain and no systemic signs of infection, but I have recommended monitoring closely. I do not feel there is any indication for immobilization at this time since there is evidence of callus formation. I have recommended a followup in 2-3 weeks for clinical recheck and repeat radiographs. Return earlier if any problems or concerns.

DD: 10/31/2019 12:35:00 EDT
TD: 11/8/2019 16:29:45 EDT/GM

Electronically Signed: Mitsunaga MD, Kyle
Sign Date and Time: 11/20/2019 11:18 HST