

Electronically Filed
Supreme Court
SCPW-24-0000464
30-SEP-2025
10:04 AM
Dkt. 55 OT

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 7 of 7]

Confidential Report of the
Department of Human Services

PART 2

FAMILY SERVICE PLAN

CHILD'S NAME:

Ariel Sellers

DOB:

/2014

I. VISITATION SCHEDULE:

- A. All visits between **Melanie Joseph; Adam Sellers** and **Ariel Sellers** are to be supervised, until further notice.
 - 1. Supervision will be done by DHS staff or DHS approved person
- B. Frequency/length/location of weekly visits.
 - 1. Parent shall have weekly visits with their children, three hours per week.
- C. Confirmation process.
 - 1. It will be the parent's responsibility to communicate with social worker on any changes or concerns with visitation.
- D. Special criteria:
 - 1. Parents are responsible for being attentive to the children's needs during visits.
 - 2. Parents are to accept feedback from the visitation supervisor so as to enhance the contact, bonding and nurturing between the children and parents.

II. DHS SERVICES TO RESOURCE FAMILY AND CHILD(REN):

- A. Maintain monthly contact with the children and resource families by home visits, telephone calls, school visits, etc., and assess the children's and caretaker's needs and arrange for additional services as needed.
- B. Complete timely Safety in Placement Assessments.
- C. Provide timely referrals for needed services.

- D. Ensure that the children receives a timely comprehensive evaluation and referrals to services as recommended by the provider.
- E. Ensure that the children's medical, dental, educational and cultural needs are met.
- F. Provide foster board payments and other related reimbursement expenses with the prior approval of the DHS worker for as long as the children are eligible.
- G. Provide medical coverage for as long as the children are eligible.
- H. Assess the children for difficulty of care payments.

DC 12/1/20 EW may

STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	ORDER APPOINTING COUNSEL FOR ☒ MOTHER ☐ FATHER ☐ OTHER: _____	CASE NUMBER FC-S No. <u>18-00280</u>
--	--	---

IN THE INTEREST OF

██████████
██████████
ARIEL SELLERS,
Born on ██████████ 2014,
██████████
██████████

ATTORNEY'S NAME, JD #, ADDRESS, & PHONE NO.:

REBECCA LESTER #8208
Charles R. Kendall Bldg.
888 Mililani Street, Ste. 300
Honolulu, Hawaii 96813
Ph: 523-9900

APPOINTED FOR (Name & relationship to minor(s)):

Mother: MELANIE JOSEPH

Good cause appearing, IT IS ORDERED that, pursuant to HRS §§ 571-8.5(8) and 578A-17, private counsel, REBECCA LESTER, ESO. 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 July 10, 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 JUL 17 2020 Kapolei, Hawai'i	JUDGE'S SIGNATURE  PRINT JUDGE'S NAME: Christine E. Kuriyama
--	---

cc: Fiscal
Prof Svc Contract Prog Specialist/Juv Client Svcs Branch Special Svcs Section
Court Officer: Suzanne Ikeda
Mother's Atty: Rebecca Lester
Father's Atty: _____
GAL: _____
DAG: _____
Others: _____

COVID-19 SUBMISSION

2020 JUL 17 AM 9:06
FILED
1ST CIRCUIT COURT
STATE OF HAWAII
M. N. TANAKA
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

ORDERS CONCERNING CHILD
PROTECTIVE ACT

[] EXHIBIT "A"

JUDGE: Bode A. Uale

DATE: December 1, 2020
8:30 a.m.

ORDERS CONCERNING CHILD PROTECTIVE ACT

The following parties were present:

[]	[REDACTED]	[REDACTED]
[]	Ariel Sellers	subject child
[]	[REDACTED]	[REDACTED]
[]	[REDACTED]	[REDACTED]
[]	Elizabeth Saga-Petaia	DHS supervisor
[X]	Maili Taele	DHS social worker

Also present were:

[]	[REDACTED]	[REDACTED]
[]	Isaac and Lehua Kalua	resource caregiver(s)
[X]	Jessie Addison	CASA program social worker
[]	Jacquelynn Levien, CASA	guardian ad litem/CASA
[X]	Simeona A. Mariano	deputy attorney general

The following parties were not present at the hearing:
☐ _____ who
 was/were defaulted at the hearing on _____;
☐ _____ who was/were excused;
☐ _____ for whom three calls were
 made with no response ☐ and were reserved.

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

1 _____
 _____;

2 The children's current placement is safe and appropriate;

3 Under the circumstances that are presented in this case, DHS has made reasonable efforts to finalize the permanency plan which in this case is ☒ adoption ☐ legal guardianship;

4 The projected date for ☒ adoption ☐ legal guardianship is within six months;

Each term, condition, and consequence of the permanent plan dated February 18, 2020 ☐ as modified, has been explained to and is understood by each party present at the hearing;

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

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

5 The children have been consulted, in an age appropriate manner, about the proposed permanency and/or transition goal;

6 The court has considered in-state and out of state placement(s) and finds as follows:

- ☒ That the children's current in-state placement is safe and appropriate and in the best interest of the children;
- ☐ The children's current out of state placement is safe, appropriate and in the best interest of the children;

7 DHS has made reasonable efforts to:

- (A) Place siblings in foster care with the same resource family, adoptive placement, or legal guardians; and
- (B) Provide for frequent visitation or other on-going interactions with siblings who are not living in the same household;

DHS is providing the services needed to assist the youth, 16 years or older to transition from foster care to independent living;

— DHS has shown that aggravated circumstances exist such that reasonable efforts to reunify the children and family are not required;

— 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 children;

— _____ was/were served with a summons and certified copy of the petition in open court;

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

— _____

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1 Permanent custody is continued;
- 2 The proper permanency plan is ☒ adoption, ☐ legal guardianship;
- 3 The permanent plan dated February 18, 2020 ☐ as modified, that was ordered by the Court on June 17, 2020, is continued;
- 4 All parties are ordered to appear at a ☐ periodic review hearing ☒ permanency hearing ☒ Adoption hearing on January 26, 2021 at 10:45 a.m., before the presiding judge;
- 5 The DHS report and plan are due on _____ and the GAL report is due on _____;
- All parties are ordered to appear at a trial on _____ at _____; pretrial statements, exhibit lists and witness lists are due by _____;

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

— DHS shall file a ☐ motion to terminate parental rights ☐ petition for legal guardianship ☐ petition for adoption by _____;

— To assist the child(ren), who has/have attained sixteen years of age, in making the transition from foster care to independent living, the following services are ordered:

_____;

— _____, counsel for _____, is discharged effective _____ because _____, ☐ subject to recall;

6 Reports are waived for the next hearing;

DATED: Kapolei, Hawaii, _____

DEC 01 2020

Bode A. Uale
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

John P. [Signature]

COURT CLERK: Merle

STATE OF HAWAII 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]	Jacquelynn Levien, CASA COURT APPOINTED SPECIAL ADVOCATES PROGRAM 4675 Kapolei Parkway Kapolei, Hawaii 96707 (808) 954-8124
---	---

DATE OF HEARING(S)/PREPARING CLERK(S): December 1, 2020, 8:30 a.m.	M. CASTILLO	JUDGE BODE A. UALE Presiding
---	-------------	---------------------------------

EXHIBIT NO. IDENTIFY NO. CODE <u>CASA's</u>	OFFERED FOR IDENTIFI- CATION	RECEIVED IN EVIDENCE	WITHDRAWN	OVER OBJECTION	DESCRIPTION OF EXHIBIT	DATE R = RETURNED D = DESTROYED OTHER COMMENTS
5		☒	☒		Transmittal Memorandum with the Court Appointed Special Advocate's Fifth Report to the Court dated November 20, 2020.	

FOR OFFICE USE ONLY		2020 DEC -3 AM 8:38 FILED CLERK
LOCATION OF EXHIBITS ☒ Attached ☐ Shelf No. _____ ☐ Code No. _____ ☐ Other _____		
DATE	RECEIVED	
PAGE 1 OF 1 PAGES		

COVID-19 SUBMISSION
EMAIL _____
PAPER DEC - 3 2020



First Court Circuit — Juvenile Client Services Branch — Specialized Services Section

THE JUDICIARY • STATE OF HAWAII • RONALD T.Y. MOON KAPOLEI COURTHOUSE • 4675 KAPOLEI PARKWAY,
KAPOLEI, HAWAII 96707-4372 • TELEPHONE (808) 954-8190 • FAX (808) 954-8187 • www.courts.state.hi.us

Lori Ann M. Okita
CHIEF COURT ADMINISTRATOR

Kristin L. Davidson
SOCIAL SERVICES MANAGER

Dwight S. Sakai
DEPUTY CHIEF COURT ADMINISTRATOR

Cheryl S. Higuchi
COURT ADMINISTRATOR

COURT APPOINTED SPECIAL ADVOCATES PROGRAM
TRANSMITTAL MEMORANDUM

TO: Dennis Castro, Court Officer
Simeona Mariano, DAG
Maili Taele, DHS SW
Jacquelynn Levien, CASA

FROM: Jessie U. Addison,
CASA Program Social Worker

DATE: November 20, 2020

RE: [REDACTED] **ARIEL SELLERS;** [REDACTED]
FC-S No. 18-00280

2020 NOV 24 AM 10:19
FAMILY GROUP
FIRST CIRCUIT COURT
STATE OF HAWAII

ENCLOSED ARE THE FOLLOWING:

Court Appointed Special Advocate's Fifth Report to the Court.

TRANSMITTED TO YOU:

- | | |
|--|--|
| ☐ FOR YOUR APPROVAL | ☐ PER YOUR REQUEST |
| ☐ FOR YOUR INFORMATION | ☒ FOR YOUR FILES |
| ☐ FOR SIGNATURE AND RETURN | ☐ FOR FILING |
| ☐ FOR SIGNATURE AND FORWARD | ☐ FOR CORRECTIONS |
| ☐ FOR REVIEW AND COMMENT | ☐ PER OUR CONVERSATION |
| ☐ SEE REMARKS BELOW | |

REMARKS:

For No. 18-00280
CASA Exhibit 5
In Evidence For Identification
Rec'd 12/1 20 20
M. Cretillo
Clerk

Jacquelynn Levien, CASA
Court Appointed Special Advocates Program
4675 Kapolei Parkway
Kapolei, HI 96707
Telephone: (808) 954-8124

FAMILY COURT
FIRST CIRCUIT COURT
STATE OF HAWAII

2020 NOV 24 AM 10:19

Court Appointed Special Advocate for Children

**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

) COURT APPOINTED SPECIAL
) ADVOCATE'S FIFTH
) REPORT TO THE COURT

) HEARING DATE: December 1, 2020
) TIME: 8:30 a.m.

) PRESIDING JUDGE

COURT APPOINTED SPECIAL ADVOCATE'S FIFTH REPORT TO THE COURT

DATE OF CASA APPOINTMENT: 11/7/18

TYPE OF CASE: Threat of abuse, threat of neglect

TYPE OF HEARING: Permanency review

TOTAL NUMBER OF MONTHS IN FOSTER PLACEMENT:

As to [REDACTED] Ariel: 21 months (since 2/8/19)

[REDACTED]

NUMBER OF MONTHS IN CURRENT FOSTER PLACEMENT:

As to [REDACTED] Ariel: 21 months (since 2/8/19)

[REDACTED]

CASA'S RECOMMENDATION REGARDING LEGAL STATUS OF CASE:

Continue permanent custody to the DHS and move promptly towards adoption by RCGs.

RECOMMENDATIONS:

1. Continue permanent custody to the DHS until adoption to current RCGs.

SUMMARY OF CASA'S FINDINGS:

Since the onset of the COVID-19 pandemic in March 2020, this CASA has conducted weekly FaceTime visits with [REDACTED] Ariel (6) [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] Ariel [REDACTED] experienced the growing pains of distance learning due to the COVID-19 pandemic. [REDACTED]

Ariel loves school is developing or meeting proficiency in all subjects. [REDACTED]

[REDACTED]

[REDACTED]

ASSESSMENTS:

CHILDREN:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ariel Sellers, age 6:

HOME/PLACEMENT:

This writer has conducted a weekly FaceTime visit with Ariel since March 2020. During those visits, Ariel has appeared increasingly calm, happy, and bonded to RCGs. While Ariel was disappointed not to be attending kindergarten in person, she has excelled in her distance learning kindergarten lessons, is learning to stay focused for longer periods of time, and is scoring well on tests. She is becoming increasingly verbal and smiley, whereas she often used to appear worried and quiet. She is clearly very comfortably in her life with RCGs. [REDACTED]

[REDACTED] RCGs have also reported that her behavioral issues, such as tantrums, have become more manageable, [REDACTED]

EDUCATION:

Though Ariel was disappointed not to be attending kindergarten in person, she has excelled in her distance learning classes. Her teacher, Dr. Beatty, established daily lines of communication with RCGs at the beginning of distance learning, thus ensuring that she has known how to log onto her online classrooms and get her assignments. She has been absent zero times this quarter, which is a huge improvement. Her report card also shows that she is developing or meeting proficiency in all subjects, and that she is a self-directed learner. She continues to express that she loves school, and has earned near-perfect scores on several recent tests.

HEALTH:

Ariel received a full physical at Waimanalo Health on 11/6/2020, during which her doctors confirmed that she is healthy and developing appropriately. Her dentist has not been taking non-emergency appointments during COVID-19, so she has not visited the dentist since this Court's last hearing, but she expresses no dental issues.

MENTAL HEALTH NEEDS:

Ariel has continued to attend online therapy sessions with Dr. Gina. Her work with Dr. Gina has continued to benefit her, as Dr. Gina has helped her work on being kinder to herself.

[REDACTED]

[REDACTED] Ariel had a consultation with a sex abuse therapist on 2/13/2020, though Ariel said nothing to the therapist, would not answer questions, and was very distracted, playing with toys and books during the session. It was decided that Ariel would continue to see Dr. Gina only.

CHILD'S WISHES:

Ariel expressed to this writer that she is happy living at RCG's house and that she wants to be adopted by RCGs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EDUCATIONAL STABILITY:

[REDACTED]

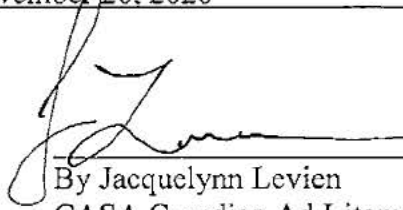
[REDACTED]

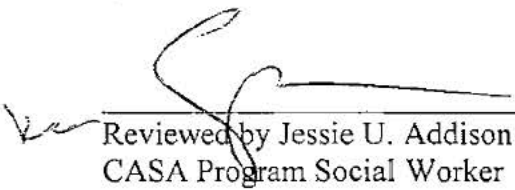
[REDACTED] Ariel began school after placement with RCGs.

CASA FOLLOW UP PLANS:

This writer will continue to monitor the children's safety and wellbeing until adoption.

DATED: Kapolei, Hawaii, November 20, 2020

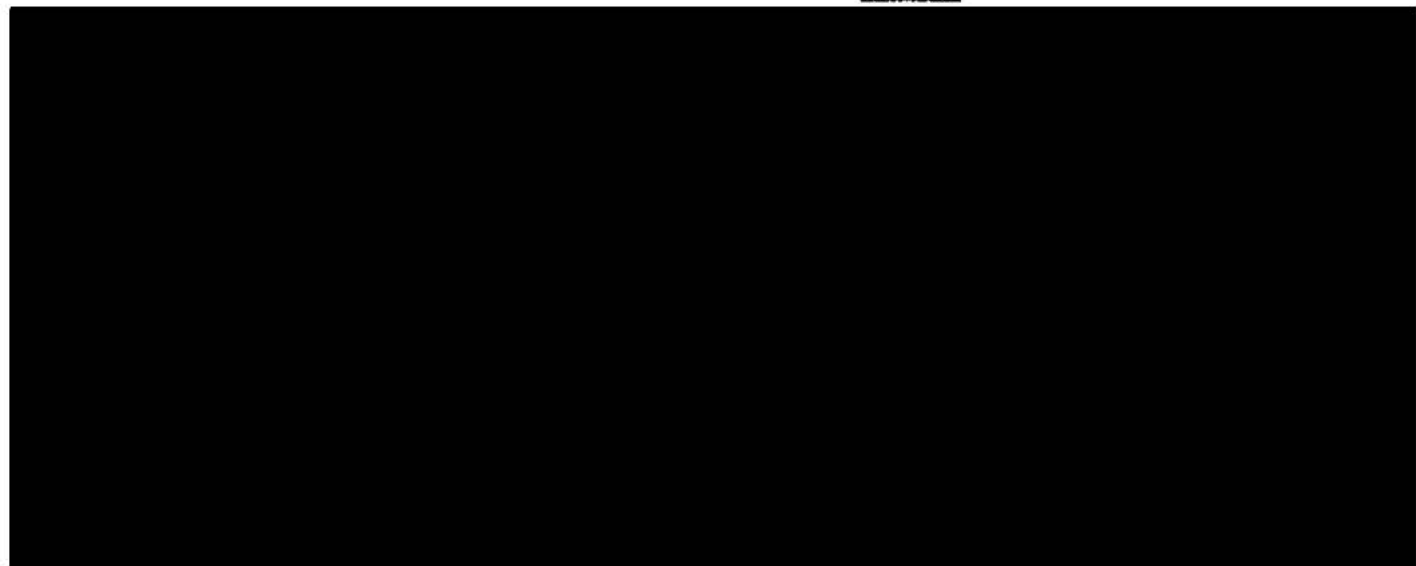

By Jacquelyn Levien
CASA Guardian Ad Litem


Reviewed by Jessie U. Addison
CASA Program Social Worker

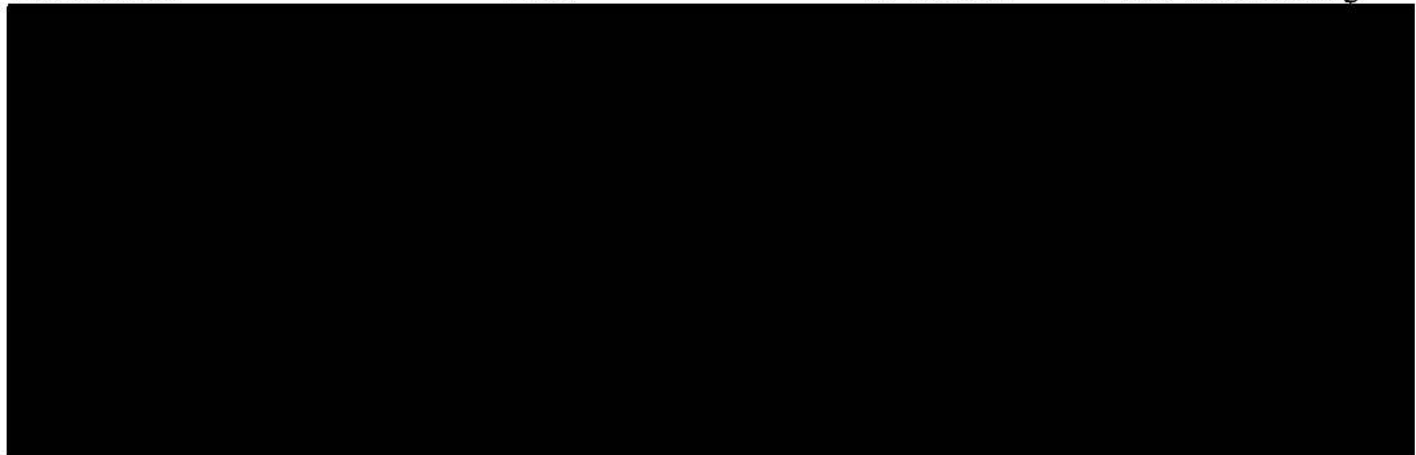

Reviewed by Amphay M. Champathong
CASA Program Manager

Contact Report
SELLERS / JOSEPH/FC-S 18-00280
6/18/2020 To 11/20/2020

<u>Person's Interviewed</u>	<u>Title/Relationship</u>	<u>Date(s) of Contact</u>	<u>Method of Contact</u>
-----------------------------	---------------------------	---------------------------	--------------------------

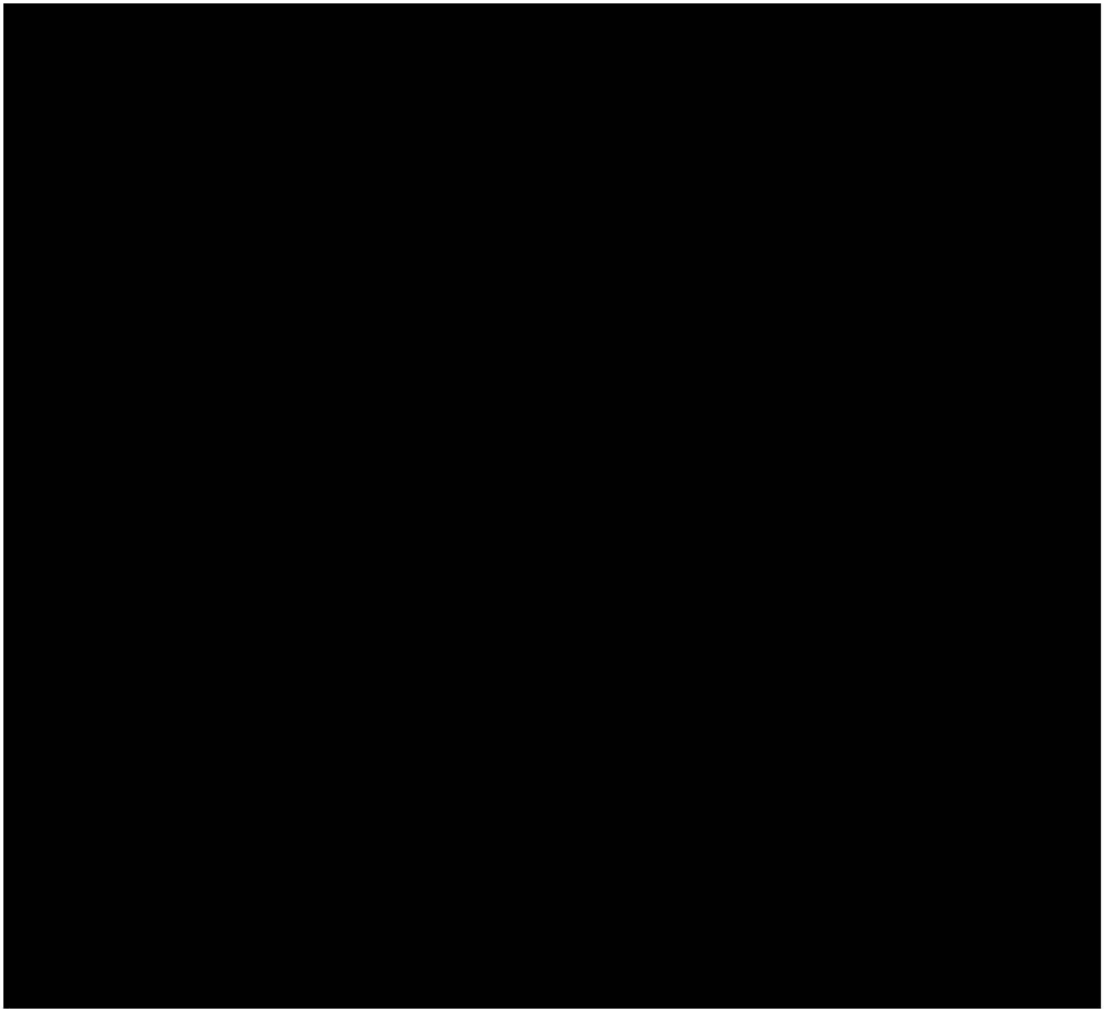


Ariel Sellers	Child	6/29/2020	Video Conferencing
Ariel Sellers	Child	7/9/2020	Video Conferencing
Ariel Sellers	Child	7/17/2020	Video Conferencing
Ariel Sellers	Child	7/28/2020	Video Conferencing
Ariel Sellers	Child	8/3/2020	Home Visit
Ariel Sellers	Child	8/13/2020	Video Conferencing
Ariel Sellers	Child	8/19/2020	Video Conferencing
Ariel Sellers	Child	8/28/2020	Video Conferencing
Ariel Sellers	Child	9/4/2020	Video Conferencing
Ariel Sellers	Child	9/11/2020	Video Conferencing
Ariel Sellers	Child	9/30/2020	Video Conferencing
Ariel Sellers	Child	10/2/2020	Home Visit
Ariel Sellers	Child	10/16/2020	Video Conferencing
Ariel Sellers	Child	10/23/2020	Video Conferencing
Ariel Sellers	Child	11/10/2020	Video Conferencing



Contact Report
SELLERS / JOSEPH/FC-S 18-00280
6/18/2020 To 11/20/2020

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lehua and Isaac Kalua	Interested Party	6/29/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	7/9/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	7/17/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	7/28/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	8/3/2020	Home Visit
Lehua and Isaac Kalua	Interested Party	8/13/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	8/19/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	8/28/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	9/4/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	9/11/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	9/30/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	10/2/2020	Home Visit
Lehua and Isaac Kalua	Interested Party	10/16/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	10/23/2020	Video Conferencing
Lehua and Isaac Kalua	Interested Party	11/10/2020	Video Conferencing
Adam Sellers	Alleged Father	7/28/2020	Video Conferencing



Ariel [REDACTED]

CLARE E. CONNORS 7936
Attorney General

ERIC J. ALABANZA 6893
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

FAMILY COURT
FIRST CIRCUIT COURT
STATE OF HAWAII

2021 JAN 26 PM 4:38

FILED *M. Castillo*
M. CASTILLO
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

In the Interest of

ARIEL SELLERS,
Born on [REDACTED] 2014;

FC-S No. 18-00280

ORDERS CONCERNING CHILD
PROTECTIVE ACT

[] EXHIBIT "A"

JUDGE: John C. Bryant, Jr.

DATE: January 26, 2021
10:45 a.m.

ORDERS CONCERNING CHILD PROTECTIVE ACT

The following parties were present via WebEx:

[REDACTED]	
☒ Ariel Sellers	subject child
[REDACTED]	
☐ Elizabeth Saga-Petaia	DHS supervisor
☒ Maili Taele	DHS social worker

Also present were:

☐		
☒	Isaac and Lehua Kalua	resource caregiver(s)
☒	Jessie Addison	CASA program social worker
☒	Jacquelynn Levien, CASA	guardian ad litem/CASA
☒	Eric J. Alabanza	deputy attorney general

The following parties were not present at the hearing:
 [] _____ who
 was/were defaulted at the hearing on _____;
 [] _____ who was/were excused;
 [] _____ for whom three calls were
 made with no response [] and were reserved.

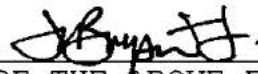
Based upon the record and/or the evidence presented, the Court finds that:

A The adoption was granted in FC-A No. 21-1-6010;
 _____ The child/ren's family can provide a safe family home without
 the assistance of a service plan

THEREFORE, IT IS HEREBY ORDERED THAT:

1 The prior award of permanent custody is revoked;
2 Jurisdiction is terminated;
3 Jessie Addison (CASA), guardian ad litem, is discharged;

DATED: Kapolei, Hawaii, JAN 26 2021.


 JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

All parties waived signature _____

COURT CLERK: Jess M. CASTILLO

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
FC-S 18-00280
2024 JUL 16 PM 4:38

A. Danbara

A. DANBARA
CLERK

DC CD
Electronically Filed
Supreme Court
SCPW-24-0000464
16-JUL-2024
08:52 AM
Dkt. 5 ORD

SCPW-24-0000464

IN THE SUPREME COURT OF THE STATE OF HAWAII

PUBLIC FIRST LAW CENTER, Petitioner,

vs.

THE HONORABLE MATTHEW J. VIOLA,
Senior Judge of the Family Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

THE DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII;
NICOLE CUMMINGS, in her capacity as guardian ad litem for
interested minor children and personal representative of the
estate of Isabella P. Kalua formerly known as Ariel Sellers;
LEHUA KALUA; ISAAC KALUA, III; STEPHEN LANE in his capacity as
court appointed special master; DEAN NAGAMINE, ESQ., in his
capacity as guardian ad litem for interested minor children;
ARLENE A. HARADA-BROWN in her capacity as guardian ad litem for
interested minor children; MELANIE JOSEPH also known as MELANIE
SELLERS; ADAM SELLERS; and,
COURT APPOINTED SPECIAL ADVOCATES PROGRAM,
Respondents.

ORIGINAL PROCEEDING
(CASE NOS. 1FFM-24-0000018, 1FFM-24-0000019,
✓ FC-S 18-00280, FC-A 21-1-6010)

ORDER

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

On July 8, 2024, Petitioner Public First Law Center filed a
petition for writ of prohibition and writ of mandamus with this

court that requests, with reference to Case No. 1FFM-24-0000018 and Case No. 1FFM-24-0000019, this court issue a writ of prohibition prohibiting the Respondent Judge from enforcing any order to maintain the entirety of Case No. FC-S 18-00280 (child protective act case) and Case No. FC-A No. 21-1-6010 (adoption case) under seal, and a writ of mandamus ordering the Respondent Judge to disclose redacted records for those cases, with appropriate redactions to protect the privacy of the siblings for the decedent child, Isabella P. Kalua formerly known as Ariel Sellers (petition).

The petition further requested the court take judicial notice of the records in Case No. FC-S 18-00280 and Case No. FC-A No. 21-1-6010.

It is ordered:

1. Petitioner shall file a supplemental brief on the issue stated in footnote 7 of the Petition. Petitioner shall file this supplemental brief by July 25, 2024. The supplemental brief shall not exceed 10 pages, exclusive of indexes and appendices (e.g., declarations or exhibits).

2. On or before September 3, 2024, Respondents shall file an answer to the petition and supplemental brief. Respondents' briefs shall not exceed 35 pages, exclusive of indexes and appendices. Respondent Judge may file an answer to the petition within the same time, or pursuant to Hawai'i Rules of Appellate

Procedure (HRAP) Rule 21(c), the Respondent Judge may elect not to appear.

3. Petitioner may file a reply brief that jointly addresses the Respondents' answers by September 17, 2024. This reply shall not exceed 15 pages, exclusive of indexes and appendices. Any party may file a motion to adjust the briefing schedule based on good cause.

4. The briefs may reference documents on file in 1FFM-24-0000018, 1FFM-24-0000019, FC-S 18-00280, or FC-A 21-1-6010 (subject cases) by citing the case number and docket number, and are not required to submit copies of the documents on file in the subject cases with this court.

5. The appellate clerk shall serve a copy of this order on the Petitioner, Respondent Judge, the Attorney General, and Respondents. A copy of this order shall be filed in 1FFM-24-0000018, 1FFM-24-0000019, FC-S 18-00280, and FC-A 21-1-6010.

6. Within twenty days from the date of this order, the clerk of the Family Court of the First Circuit shall transmit to the Clerk of the Supreme Court the record in the subject cases which records shall be designated in camera. For those documents in the record which are available in the Judiciary Information Management System (JIMS), the clerk of the Family Court of the First Circuit need not transmit the physical or imaged documents, but shall file in camera a notification with

the Clerk of the Supreme Court that the record, or a portion of the record, in the subject case is available on JIMS. If a complete record is not available on JIMS, the Clerk of the Family Court of the First Circuit shall assemble and transmit the documents that are not available on JIMS to the Clerk of the Supreme Court within twenty days from the date of this order in a manner that is consistent with the procedures set forth in HRAP 11(b); provided, any and all records transmitted shall be held and designated for in camera review by the court.

DATED: Honolulu, Hawai'i, July 16, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens



IN THE SUPREME COURT OF THE STATE OF HAWAII

IN RE:	)	1FFM	NO.	240000018
SPECIAL PROCEEDING TO UNSEAL	)			
ADOPTION RECORD	)			
	)			
and	)			
	)			
IN RE:	)	1FFM	NO.	240000019
SPECIAL PROCEEDING TO UNSEAL	)			
CHILD PROTECTIVE ACT	)			
PROCEEDING	)	RELATED CASES:		
	)	FC-A	211006010	
	)	FC-S	18-00280	
	)			

CIRCUIT COURT CLERK'S CERTIFICATE

I, P. Nakamoto, Clerk of the Circuit Court of the First Circuit, State of Hawaii, do hereby certify that records of the following Family Court, First Circuit, State of Hawaii records, in their entirety, are accessible through the Judiciary Information Management System (JIMS) and made a part hereof: 1FFM-24-0000018, 1FFM-24-0000019 and 1AD211006010. Exception thereto are the records of related case FC-S 18-00280 and In-Camera documents filed in 1FFM-24-0000018 at DKT 73 and 1FFM-24-0000019 at DKT 67 of which all images are as attached hereto.

First Amendment and Supplement is filed to amend related persons information and supplement record with documents filed In-Camera.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this Court, this 6th day of August, 2024.

BY

/s/ P. NAKAMOTO

Clerk of the Court
Circuit Court, First Circuit
State of Hawaii



[Vol. 7 - 0027]