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FIRST CIRCUIT
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IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

**SPECIAL PROCEEDING TO UNSEAL
PORTIONS OF CHILD PROTECTIVE
ACT PROCEEDING**

) Case Number: 1FFM-24-0000019
)
) ORDER CONTINUING HEARING ON
) MOTION TO UNSEAL PORTIONS OF
) CHILD PROTECTIVE ACT
) PROCEEDING, FILED JANUARY 12,
) 2024
)
) Hearing: February 21, 2024
) Judge: Matthew J. Viola

**ORDER CONTINUING HEARING ON MOTION TO
UNSEAL PORTIONS OF CHILD PROTECTIVE ACT
PROCEEDING, FILED JANUARY 12, 2024**

A hearing on The Motion to Unseal Portions of Child Protective Act Proceedings, filed on January 12, 2024 (the "Motion") was held on February 21, 2024. Present at the hearing were: Benjamin M. Creps, Esq., and Robert B. Black, Esq., representing Movant Civil Beat Law Center for the Public Interest (now known as Public First Law Center) ("Movant").

THE COURT HEREBY FINDS, CONCLUDES AND ORDERS as follows:

1. The Motion and a related motion filed in 1FFM-24-0000018 (collectively, the "Motions") seek the disclosure of documents filed in a case brought under Hawai'i Revised Statutes (HRS) Chapter 587A (FC-S 18-00280) and an adoption proceeding



(FC-A 21-1-6010). The Motions also seek the disclosure of a special master's report filed in a separate but related special proceeding (1FM221000191).

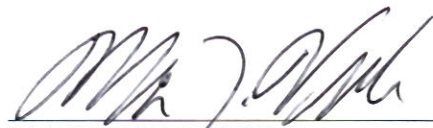
2. The records in Chapter 587A proceedings are confidential and can be made available to appropriate persons who are not parties only upon an order of the court determining that such access is in the best interests of the child or serves some other legitimate purpose. HRS § 587A-40. Similarly, the records in adoption proceedings are sealed and not available for inspection by third parties except upon order of the family court upon a finding of good cause. HRS § 578-15.
3. In order to have a meaningful hearing on the merits of the Motion, there is good cause to disclose the fact that there is an underlying adoption proceeding. Similarly, the court finds that disclosing the fact that there is an underlying Chapter 587A case serves the legitimate purpose of having a meaningful hearing on the merits of the Motion. These findings do not extend, pending further order of the court, to the disclosure of any specific records in the adoption case or the Chapter 587A case.
4. In order to have a meaningful hearing on the Motion and to afford interested parties and entities notice and an opportunity to be heard, Movant shall personally serve the following persons/entities with the Motion, including any attachments and exhibits, and a certified copy of this Order:

Lehua Kalua
Isaac Kalua
Melanie Joseph, aka Melanie Sellers
Adam Sellers
The Department of Human Services, State of Hawai'i (through the
Department of the Attorney General)
Court Appointed Special Advocates Program
Nicole Cummings, Esq.
Dean Nagamine, Esq.
Arlene Harada-Brown, Esq.
Francis T. O'Brien, Esq.
Brett A. Ritter, Esq.
Stephen Lane

5. Upon proper service of the Motion and this Order on each of the above-identified persons/entities, Movant shall file a Proof of Service.

6. Any of the above-identified persons/entities who opposes or objects to the Motion shall file a written opposition, stating the basis therefor, within twenty (20) days of the date they are served with the Motion and this Order. The failure to file a timely written opposition will be construed by the court as a statement of no opposition to the Motion.
7. Within forty (40) days of the date of service of the Motion and this Order on the last of the above-identified persons (*i.e.*, after all of the above-identified persons/entities have been served), Movant may file a written reply to any written oppositions filed.
8. The court will set any further hearings as necessary, and the court reserves the right to treat the Motion as a non-hearing motion.
9. Pursuant to HRS § 571-11, the family court has exclusive original jurisdiction over adoption proceedings and Chapter 587A proceedings. The records in proceedings brought under HRS § 571-11 are confidential and shall be withheld from public inspection. HRS §571-84. Insofar as the Motions are based on and inextricably intertwined with the underlying adoption and Chapter 587A cases, these proceedings will be placed under seal and be closed to the public subject to further order of the court. HRS §§ 571-84, 578-15 and 587A-40. In addition and for the same reasons, any documents filed in this case shall be filed under seal and may not be released to third parties subject to further order of the court. *Id.*

DATED: Kapolei, Hawai'i, February 21, 2024

A handwritten signature in dark ink, appearing to read 'Matthew J. Viola', is written over a horizontal line.

MATTHEW J. VIOLA
Judge of the Above-Entitled Court