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Dkt. 81 REPLY

Attorneys for Movant
PUBLIC FIRST LAW CENTER

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

SPECIAL PROCEEDING TO UNSEAL
PORTIONS OF CHILD PROTECTIVE
ACT PROCEEDING

1FFM-24-0000019

MOVANT PUBLIC FIRST LAW
CENTER'S REPLY REGARDING THE
LETTER FILED JANUARY 26, 2026
[DKT 73]; CERTIFICATE OF SERVICE

JUDGE: DYAN M. MEDEIROS

HEARING: *To be determined*

**MOVANT PUBLIC FIRST LAW CENTER'S REPLY REGARDING THE LETTER
FILED JANUARY 26, 2026 [DKT 73]**

Movant Public First Law Center (Public First) files this reply to the memorandum of Interested Party Court Appointed Special Advocates Program (CASA) filed April 20, 2026 as Dkt. 79, pursuant to this Court's Order Concerning Public First's Letter to Court (Letter) entered March 31, 2026 as Dkt. 75 (March 31 Order).

Although the Letter has been construed as a motion out of an abundance of caution, Public First does *not* seek any relief other than what this Court has already ordered. As noted, the Court granted Public First's request to unseal *this* proceeding on June 10, 2024. Dkt. 73 at 1 (citing Dkt. 59 at ¶¶ 81-83); *see also* Dkt. 6 at 3, ¶ 9 (order



initially sealing this proceeding); Dkt. 49 at 10-11 (request to unseal 1FFM-24-0000019); Dkt. 55 at 9 (same); Dkt 57 at 6 (same).¹

Consistent with its order to unseal this entire proceeding, the Court previously prepared redacted briefs to protect privacy interests upon the eventual unsealing. Dkt. 61, 63, 65. In doing so, it determined all other briefs in this proceeding did not require redaction. The Court also prepared a redacted version the Special Master's Report, again to protect privacy interests upon eventual public disclosure. Dkt. 69. The Court stayed its unsealing order, however, pending appellate review. Dkt. 59 at ¶¶ 81-83.²

Upon conclusion of appellate proceedings, Public First filed the Letter to help the Court effectuate its prior unsealing order consistent with the Hawai'i Supreme Court's decision. Public First advised the Court that the *unredacted* versions of briefs that contained personal information should remain under seal. Dkt. 73 at 2 (identifying Dkt. 19, 37, and 43 to remain under seal). Public First also advised the Court that the *redacted* version of Special Master Lane's Report it prepared should remain under seal because the Hawai'i Supreme Court prepared its own version for public disclosure.³ *Id.* (identifying Dkt. 69 to remain under seal).

CASA asserts Public First must again move to unseal this proceeding. Dkt. 79 at 2. CASA is wrong. As noted, Public First unequivocally asked the Court to unseal this proceeding, which it did. And this Court's March 31 Order construed the Letter as a motion to unseal. Dkt. 75 at 2 ¶ 3. Only CASA has responded, and the deadline for any objections has passed.⁴ *See* Dkt. 75 at 3 (requiring objections within twenty days of

¹ Pinpoint citations reference the corresponding pages of the PDF.

² Public First did not challenge the Court's decision to maintain this proceeding under seal during the pendency of the proceeding, nor did it appeal the Court's decision to unseal the proceeding—because it granted Public First's request.

³ In some instances, the version prepared by the Hawai'i Supreme Court disclosed more information from Special Master Lane's Report than this Court did, and in other instances, it disclosed less. *Compare* Dkt. 69 *with* SCPW-24-464 Dkt. 98.

⁴ Public First conventionally served all the parties identified by the Court. Dkt. 77. One of the letters to Melanie Joseph was returned as undeliverable (Loho Street address), but the other was not. *See* Dkt. 77 at 2 ¶ 10.

service and providing the “failure to file a timely written opposition shall be construed by the Court as a statement of no opposition” to the Letter). There is no need to file yet another motion to unseal.

The Court’s March 31 Order provided: “To the extent any written oppositions are related to the disclosure or non-disclosure of specific information, the opposition shall identify the legal or factual basis for the objection and cite to applicable docket and PDF page number.” Dkt. 75 at 3 ¶ 6. CASA identifies two documents by quoting a passage from *Public First v. Viola*. Public First has no objection to those redactions, which correlate, in this proceeding, to Dkt. 47 (DHS’s opposition memorandum) at 3 (lines 6, 9, 11, 17, 19), and 7 (lines 21, 22) and Dkt. 59 (the Court’s decision and order) at 10 ¶ 39.

CASA wrongly claims, however, that Public First must review all of the substantive filings and “identify what portions of those documents require redaction” before this Court can unseal the proceeding. Dkt. 79 at 3. Public First cannot guess at what objections the parties to this case may have to disclosure and the basis for those objections. CASA is simply refusing to comply with this Court’s March 31 Order to review the records and specify what it considers objectionable. And it is disingenuous for CASA to claim that the Hawai`i Supreme Court put the burden to identify redactions on members of the public who are seeking public access. *Id.* (citing *Public First v. Viola* for the proposition that the Court’s inherent powers may be invoked “to order a party to prepare redacted versions of case filings”). To the contrary, the Hawai`i Supreme Court held: “We understand the substantial burden on family courts to address valid requests like this and to prepare redacted case files. We hold that the family court has inherent powers *to order DHS to prepare redacted versions* of case filings. *Pub. First Law Ctr. v. Viola*, 157 Hawai`i 242, 251-52, 576 P.3d 755, 764-65 (2025) (emphasis added).

* * *

CONCLUSION

Public First respectfully requests that the Court unseal this entire proceeding, subject to the limited sealing of docket entries identified by the Letter (Dkt. 19, 37, 43, and 69) and limited additional redactions of personal information in the Court's decision (Dkt. 59) and DHS's memorandum in opposition (Dkt. 47), as identified above.

DATED: Honolulu, Hawai'i, April 24, 2026

/s/ Benjamin M. Creps
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CERTIFICATE OF SERVICE

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I certify that a true and correct copy of the foregoing document will be served on all parties and counsel by electronic service (JEFS) and on Steven Lane, Lehua Kalua, Melanie Joseph, and Adam Sellers by U.S. Mail at the addresses identified by Dkt. 77.

DATED: Honolulu, Hawai'i, April 24, 2026

/s/ Benjamin M. Creps
BENJAMIN M. CREPS