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FIRST CIRCUIT
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Dkt. 85 ORD

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

**SPECIAL PROCEEDING TO
UNSEAL ADOPTION RECORDS**

) Case Number: 1FFM-24-0000019
)
) ORDER UNSEALING, SEALING, AND
) REDACTING DOCKETS
)
)
)

ORDER UNSEALING, SEALING, AND REDACTING DOCKETS

On March 31, 2026, the Court issued the Order Concerning Public First Law Center's letter to the Court (the "March 31, 2026 Order"). The March 31, 2026 Order was in response to a letter to the Court filed January 26, 2026 by the Public First Law Center ("Public First"), which the Court construed as a motion (the "Motion").

In the March 31, 2026 Order, Public First was ordered to conventionally serve non-JEFS users with a certified copy of the order and the Motion.

Pursuant to the March 31, 2026 Order, any parties who opposed or objected to the Motion were required to file a written opposition within twenty (20) days of the date of being served. The March 31, 2026 Order further specified that to the extent any written oppositions were related to the disclosure or non-disclosure of specific information, the opposition was required to

identify the legal or factual basis for the objection and cite to applicable docket and PDF page number. Lastly, in the March 31, 2026 Order the Court reserved the right to treat the Motion as a non-hearing motion.

On April 6, 2026, Public First filed their Declaration of Counsel Regarding Service, indicating that non-JEFS users Stephen Lane and Lehua Kalua were served via mail on April 1, 2026 and non-JEFS users Adam Sellers and Melanie Joseph were served at their last known addresses on April 3, 2026.

On April 20 2026, the Court Appointed Special Advocates Program (CASA) filed their Memorandum Regarding Public First's Letter Filed January 25, 2026 (JEFS Dkt 79) (the "CASA Opposition"). No other party filed a written opposition or response.

On April 24, 2026, Public First filed its Reply Regarding the Letter Filed January 26, 2026 (the "Public First Reply").

The Court has reviewed and considered the Motion, the CASA Opposition, and the Public First Reply.

THE COURT HEREBY FINDS, CONCLUDES, AND ORDERS as follows:

1. The Court addresses the Motion as a non-hearing motion.
2. Proper notice of the Motion and the Court's March 31, 2026 Order was given to all parties with only CASA filing a response to the Motion.
3. On February 21, 2024, the Family Court entered the following order (the "February 21, 2024 Order"):

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.*

(¶ 9 of the February 21, 2024 Order.)

4. On June 10, 2024, the Family Court entered the following order directly addressing ¶ 9 of the February 21, 2024 Order (the “June 10, 2024 Order”):

Having carefully reviewed the various submissions, the court will set aside the provisions in ¶ 9 of the February 21, 2024 Order; provided, however, that:

- (a) Information relating to confidential proceedings shall be redacted from any of the submissions and the un-redacted versions of any redacted submissions shall remain sealed;
- (b) The un-redacted version of the Report shall remain *in camera*; and
- (c) This order setting aside ¶ 9 of the February 21, 2024 Order is stayed until the 31st day following the entry of this Decision and Order, in order to allow interested parties to seek appellate review; if appellate review is sought, this stay shall remain in effect pending further order.

(¶ 83 of the June 10, 2024 Order.)

5. Pursuant to the June 10, 2024 Order, redacted, versions of the following dockets were subsequently filed by the Court:

- a. Dkt. 19: Isaac Kalua’s Memorandum in Opposition to Motion to Unseal Portions of Child Protective Act Proceedings, Filed January 12, 2024. Redacted version filed as Dkt. 61.
- b. Dkt. 37: Response to Motion to Unseal Portions of Child Protective Act Proceeding. Redacted version filed as Dkt. 63.
- c. Dkt. 49: Response to the Motion to Unseal Portions of Child Protective Act Proceeding. Redacted version filed as Dkt. 65.
- d. Dkt. 67: Special Master’s Report to the Court, filed January 4, 2023 in FC-M No. 22-1-0191. Redacted version filed as Dkt. 69. (Note: Dkt. 69 was designated as “in-camera”).

6. The Motion asserts that:

[b]efore [1FFM-24-0000018 and 1FFM-24-0000019] are unsealed, consistent with this Court’s prior orders (modified to the extent affected by [Pub. First Law Ctr. v.

Viola, 157 Hawai‘i 242, 576 P.3d 755 (2025)]), the following designations would need to be made:

Remove “Sealed” Designation

- Public First’s motions to unseal
 - o 1FFM-24-18 Dkt. 1
 - o 1FFM-24-19 Dkt. 1
- Court orders and party stipulations
 - o 1FFM-24-18 Dkt. 7, 47
 - o 1FFM-24-19 Dkt. 6, 41
- Statements filed by Nicole K. Cummings
 - o 1FFM-24-18 Dkt. 37
 - o 1FFM-24-19 Dkt. 31
- Redacted briefs prepared by the Court for purposes of public disclosure
 - o 1FFM-24-18 Dkt. 67, 69, 71
 - o 1FFM-24-19 Dkt. 61, 63, 65

Add “Sealed” Designation

- Unredacted briefs for those redacted by the Court
 - o 1FFM-24-18 Dkt. 21, 43, 49
 - o 1FFM-24-19 Dkt. 19, 37, 43
- Redacted version of the Special Master’s report
 - o 1FFM-24-18 Dkt. 75
 - o 1FFM-24-19 Dkt. 69
 - o This Court’s redactions do not align perfectly with the redactions made by the Hawai‘i Supreme Court. See SCPW-24-464 Dkt. 98. Thus, this Court’s version should not be unsealed and should be designated as “sealed.”

See Motion at 1-2.

7. Despite the requirement of the March 31, 2026 Order, the CASA Opposition fails to raise any specific objections to the relief requested as quoted in Paragraph 6 above and as further requested in the Motion. Instead, CASA argues that the following block quote from Pub. First Law Ctr v. Viola stands for the proposition that “any documents ordered to be unsealed must first be appropriately redacted to protect identifying information”:

Last, we note that the petition did not seek any relief as to the unsealing of the miscellaneous proceedings initiated by Public First to access Ariel’s CPA and adoption case records. See 1FFM-24-0000019 (moving to unseal CPA records); 1FFM-24-0000018 (moving to unseal adoption records). Some records filed in these miscellaneous proceedings identify the Siblings, including their years of

birth, initials, and other information. To support its order, the family court details personal information about the Siblings in the case files. See 1FFM-24-0000019 Dkt. 59:10, ¶ 39. Also, DHS's opposition discloses their birth years and initials. If a motion to unseal these miscellaneous proceedings is filed in the family court, then this information should be redacted.

See CASA Opposition at 2-3, quoting Pub. First Law Ctr. v. Viola, 157 Hawai'i at 252, 576 P. 3d. at 765.

8. In response, the Public First Reply states that:

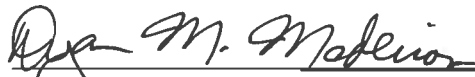
CASA identifies two documents by quoting a passage from Public First v. Viola. Public First has no objection to those redactions, which correlate, in this proceeding, to Dkt. 47 (DHS's Opposition Memorandum) at 3 (lines 6, 9, 11, 17, 19), and 7 (lines 21, 22) and Dkt. 59 (the Court's decision and Order) at 10 ¶ 39.

See Public First Reply at 3.

9. In light of Public First's agreement as well as the language quoted from Pub. First Law Ctr v. Viola in paragraph 7 above, the Court has created redacted versions of Dkt. 47 and Dkt. 59. These redacted versions will be immediately filed in this matter as **unsealed** documents. The Court will likewise designate Dkt. 47 and Dkt. 59 as **sealed**.
10. There otherwise being no responsive objections to the Motion, the sealed/unsealed designations listed in Paragraph 6 above are adopted in their entirety.
11. All other dockets in this matter that are not specifically addressed in this order shall maintain their designations as reflected in JEFS.
12. Given the docket designations to be made as specified in Paragraphs 6 and 9 above, and consistent with ¶ 83 of the June 10, 2024 Order, the court hereby sets aside the provisions in ¶ 9 of the February 21, 2024 Order and sets aside the stay previously ordered under ¶ 83 of the June 10, 2024 Order. As such, this proceeding will no longer be considered sealed in its entirety and closed to the public. Instead, any specific docket designation showing in JEFS (i.e. sealed, unsealed, in-camera, etc.) will control. This order setting

aside the provisions in ¶ 9 of the February 21, 2024 Order is stayed until the 31st day following the entry and service of this Order. Should any party file a motion for reconsideration of this order or seek appellate review, this stay shall remain in effect pending further order.

DATED: Kapolei, Hawai‘i, September 1, 2026.

A handwritten signature in black ink, appearing to read "Dyan M. Medeiros", is written over a horizontal line.

DYAN M. MEDEIROS
Senior Judge of the
Family Court of the First Circuit