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DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

SPECIAL PROCEEDING TO UNSEAL
ADOPTION RECORDS

) 1FFM-24-0000018 ¹⁹ *dm*
) REDACTED
) DEPARTMENT OF HUMAN SERVICES'
) MEMORANDUM IN OPPOSITION TO
) MOTION TO UNSEAL PORTIONS OF
) CHILD PROTECTIVE ACT
) PROCEEDING OF ISABELLA P.
) KALUA F.K.A. ARIEL SELLERS;
) DECLARATION OF LYNNE M.
) YOUMANS; EXHIBIT "A";
) CERTIFICATE OF SERVICE

REDACTED
DEPARTMENT OF HUMAN SERVICES' MEMORANDUM IN OPPOSITION TO MOTION
TO UNSEAL PORTIONS OF CHILD PROTECTIVE ACT PROCEEDING
OF ISABELLA P. KALUA F.K.A. ARIEL SELLERS

I. INTRODUCTION

The Department of Human Services (DHS) and their undersigned counsel are in a difficult position regarding the Civil Beat Law Center for the Public Interest's (Petitioner) Motion to Unseal Portions of Child Protective Act Proceeding of Isabella P. Kalua F.K.A. Ariel Sellers (Motion to Unseal). DHS has statutory obligations to preserve the confidentiality of all records regarding past and present child welfare services' reports, consistent with Hawai'i Revised Statutes (HRS) §350-1.4. That obligation is reinforced by DHS's obligations to keep all of their records confidential pursuant to §346-10, HRS, and to respect the confidentiality of court records consistent with §587A-40, HRS. The Order Continuing Hearing on Motion to Unseal Portions of Child Protective Act Proceeding, Filed January 12, 2024, filed herein on February 21, 2024, did not authorize the release of any additional information from the adoption record or the child protective act proceedings other than the fact of those proceedings, in recognition of the confidential nature of the proceedings. And for the same reasons, DHS cannot provide a more detailed factual or procedural history to make arguments in this case. DHS instead relies on publicly available sources of information, along with this Court's release of the fact of an adoption and child protective act proceeding. DHS requests that the Court take judicial notice of its own records and files relevant to this case.

II. PERTINENT FACTS

On November 17, 2021, Lehua Kalua and Isaac Kalua, III were indicted for murder in the second degree, hindering prosecution in the first degree, abuse of family or household members, persistent nonsupport, and endangering the welfare of a minor. DHS's Exhibit "A." The Indictment alleges that sometime between August 18, 2021 and September 13, 2021, Ms. Kalua intentionally and knowingly caused the death of I.P.K. (2014) by intentionally

or knowingly inflicting injury upon her and/or by intentionally or knowingly omitting to perform a duty imposed by law, specifically failing to obtain aid for her injured adopted daughter. Mr. Kalua, during the same time period, is alleged to have intentionally or knowingly omitted to obtain aid for his injured adopted daughter. In addition to the charges involving I.P.K. (2014), Ms. Kalua and Mr. Kalua are also charged with failing to support and endangering the welfare of [REDACTED]. Ms. Kalua and Mr. Kalua are charged with failing to provide [REDACTED] with food, shelter, clothing, education, and other necessary care from August 5, 2019 to May 28, 2020 and from August 17, 2020 to May 28, 2021. They are also charged with knowingly endangering the physical or mental welfare of [REDACTED] between February 8, 2019 and September 13, 2021.

[REDACTED] is obliquely referred to in the criminal court pleadings as the "main witness for the State." If the allegations in the Indictment are true, then she lived through the slow and horrific death of her sister while being abused and neglected herself. She also has the weight of being the primary person who can get justice for her sister. It is difficult to imagine the pressure on this teenage girl to simultaneously recover from her own trauma while being forced to relive that trauma through the criminal case.

Like [REDACTED] I.M.K. (2009) and their sister [REDACTED] were the subject of the Child Protective Act (CPA) proceeding that Petitioner seeks to unseal. Although Petitioner requests that information regarding I.M.K. (2009) and [REDACTED] be redacted, the release of such a redacted version of portions of the CPA proceeding would be inconsistent with case law interpreting the relevant statute, §587A-40, HRS. DHS requests that the Court deny the Motion to Unseal, consistent with current case law.

II. ARGUMENT

Over twenty years before I.P.K. (2014) was reported missing by her adoptive parents, a seven-year-old boy named Peter Kema, Jr. (Peter Boy) was reported missing in 1998. Kema v. Gaddis, 91 Hawai'i 200, 202, 982 P.2d 334, 336 (Sup. Ct. 1999). Like I.P.K., Peter Boy and two of his siblings had been the subject of a CPA proceeding which closed prior to his disappearance. Id. Like I.P.K., the fact that Peter Boy and his siblings were the subject of a closed CPA proceeding was widely known and had been acknowledged by the Family Court. Id. As Petitioner has in this case, the *Advertiser* requested that the Family Court of the Third Circuit release the records from the CPA case involving Peter Boy and his siblings because such a release "would serve the important public purpose of assisting the community in understanding what had transpired in Peter Boy's case." Id. at 203 and 337.

Judge Ben H. Gaddis was responsible for evaluating the *Advertiser's* request for release of the confidential records in the CPA case. Id. at 201 and 335. Judge Gaddis was interpreting a prior version of the child protective act that had the same operative language as the statute this Court is asked to interpret. Specifically, the *Advertiser* argued that its request for the release of the court records involving Peter Boy served a "legitimate purpose" consistent with §587-81, HRS. That statute read as follows:

The court shall keep a record of all child protective proceedings under this chapter. The written reports, photographs, x-rays, or other information of any nature which are submitted to the court may be made available to other appropriate persons, who are not parties, only upon an order of the court after the court has determined that such access is in the best interests of the child or serves some other legitimate purpose; provided that the department may disclose, without order of the court, such information as is in the court record in the manner and to the extent as is set forth in departmental rules that have been legally promulgated and concern the confidentiality of records; provided further that:

- (1) The department shall not disclose parties' names to researchers without prior order of the court; and
- (2) The department shall report each disclosure to the court and all parties as part of its next report to the court after the department has disclosed information pursuant to this section.

§587-81, HRS (emphasis added).

The emphasized section of §587-81, HRS, is almost the exact same wording as the current law in §587A-40 which states that "[w]ritten reports, photographs, x-rays, or other information that are submitted to the court may be made available to other appropriate persons, who are not parties, only upon order of the court. The court may issue this order upon determining that such access is in the best interests of the child or serves some other legitimate purpose."

Judge Gaddis issued his first order regarding the release of confidential information on April 17, 1998. *Id.* at 202 and 336. He found that the release of limited information about Peter Boy may assist authorities in locating the child and encourage members of the public to provide information about his whereabouts. *Id.* Accordingly, he ordered the Department of Human Services (DHS) to prepare a synopsis that included a description of the injuries suffered by Peter Boy when he first came to the attention of DHS, the circumstances and allegations that brought him back to the attention of DHS and caused them to re-open a case on the family, and the circumstances regarding his disappearance. *Id.* at 202-203 and 336-337. Judge Gaddis' April 17, 1998 order was not challenged.

On May 19, 1998, the *Advertiser* petitioned for access to all of the confidential CPA court records involving Peter Boy and his siblings. *Id.* at 203 and 337. Judge Gaddis issued a second order regarding the *Advertiser's* request for access to confidential court records on June 17, 1998. *Id.* Judge Gaddis found that "[q]uestions about the response of agencies and

the family court to problems of child abuse and neglect are areas of legitimate concern to both the news media and the public" Id. at 204 and 338. He also found that "disclosure of some of the court records in the case of Peter Boy could contribute to public understanding and awareness and would serve a legitimate purpose." Id. Based on those findings, Judge Gaddis ordered the public release of information from the closed CPA case regarding Peter Boy. Id. Judge Gaddis denied access to any files regarding Peter Boy's siblings and ordered that the files regarding Peter Boy would be redacted. Id. Essentially, Judge Gaddis made the order in the Peter Boy case that Petitioner seeks in the instant case.

After Judge Gaddis issued his order on June 17, 1998, Peter Boy's father, Peter Kema, Sr., sought a writ of mandamus from the Hawai'i Supreme Court blocking the release of any records. Id. The writ of mandamus was issued and the Family Court was enjoined from releasing any records. Id. at 206, 340. The Court held, in construing the statute regarding release of CPA records, including the phrase "legitimate purpose," that the Court's "foremost obligation is to ascertain and give effect to the intention of the legislature, which is obtained primarily from the language contained in the statute itself. Our duty is to interpret statutory language in the context of the whole statute and in a manner consistent with the purpose of the statute." Id. at 205 and 339 (internal citations omitted). For that reason, the Court held that "'legitimate purposes' relevant to HRS chapter 587 are limited to those that further the best interests of the children who come within the jurisdiction of the family court, pursuant to the Child Protective Act, *i.e.*, purposes that will safeguard, treat, and provide services and plans for children in need of protection." Id. That holding binds this Court in evaluating Petitioner's Motion to Unseal.

The Court agreed with Judge Gaddis's conclusion, in ordering the release of information from the CPA record on April 17, 1998, "that providing information to the media,

under certain circumstances, might serve a legitimate purpose under HRS chapter 587. In this case, for example, the first release of information regarding Peter Boy's history was clearly in Peter Boy's best interest because it could have resulted in the acquisition of intelligence regarding Peter boy's disappearance, which could potentially have enabled the family court to provide services to Peter Boy that would safeguard him." Id. at 205-206 and 339-340. The Court also emphasized the importance of Peter Boy's siblings and their best interest. The Court noted that Judge Gaddis's April 17, 1998 release "did not infringe upon the best interests of Peter Boy's siblings." Id. at 206 and 340. Ultimately, the Court concluded that "[u]nder the Child Protective Act, the interests of other parties or non-parties seeking information are not as compelling as the interests of the children involved."

Petitioner's Motion to Unseal requests that this Court issue an order substantially similar to the order that Judge Gaddis issued and the Hawai'i Supreme Court enjoined. Petitioner asks that this Court, like Judge Gaddis, redact out information about I.P.K. (2014)'s siblings. The Court in Kema held that "[a]lthough Judge Gaddis made a determined effort to redact all information relating to the siblings, review of the redacted files reveals that the cases are inextricably intertwined and that release of Peter Boy's file would ultimately result in the release of a large number of documents related to the other children, a result unintended by Judge Gaddis and contrary to the intent and purpose of HRS chapter 587." A careful review of the confidential file in this case is likely to lead to the same conclusion.

Petitioner adds a request that Stephen W. Lane be allowed to prepare a synopsis of the confidential records. Mr. Lane has no legally cognizable relationship to the [REDACTED] and [REDACTED] matters, and is legally a stranger to the proceedings; he should not be allowed access any more than the Petitioner. Further, this appears to be an attempt to harken

back to Judge Gaddis' April 17, 1998 order which required a synopsis of the Kema case be released for the purpose of trying to find Peter Boy and what happened to him. As explained above, the Court in Kema detailed why the April 17, 1998 order served a legitimate purpose under the CPA because it might have led to information necessary to find Peter Boy. Id. at 205-206 and 339-340. In this case, the Honolulu Police Department has done an investigation of what happened to I.P.K. (2014) and that investigation has led to an Indictment and a pending criminal case for her murder. The purpose of Judge Gaddis' April 17, 1998 order for a synopsis is not applicable to this case. A synopsis, especially one done by a legal stranger to these children, does not serve a "legitimate purpose" as defined in Kema v. Gaddis.

DHS requests that this Court follow the relevant precedent on this issue and deny Petitioner's Motion to Unseal.

III. CONCLUSION.

DHS requests that the Motion to Unseal be denied.

DATED: Honolulu, Hawai'i, April 1, 2024.

/s/ Lynne M. Youmans
LYNNE M. YOUMANS
Deputy Attorney General
Attorney for Department of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

	)	1FFM-24-0000018
	)	
SPECIAL PROCEEDING TO UNSEAL	)	DECLARATION OF LYNNE M.
ADOPTION RECORDS	)	YOUMANS
	)	
	)	
	)	
	)	

DECLARATION OF LYNNE M. YOUMANS

STATE OF HAWAI'I	)	
	)	SS.
CITY AND COUNTY OF HONOLULU	)	

I, LYNNE M. YOUMANS, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Hawai'i.
2. I am a Deputy Attorney General and the attorney of record for the State of Hawai'i, Department of Human Services (DHS), in the above-entitled action.
3. I am competent to make this declaration and do so on personal knowledge of the facts herein, except as to matters averred to upon information and belief, which I am informed and believe to be true. I submit this Declaration in support of Department of Human Services' Memorandum In Opposition To Motion To Unseal Portions of Child Protective Act Proceedings of Isabella P. Kalua F.K.A. Ariel Sellers.
4. The facts laid out in the section entitled "Pertinent Facts" are true and correct to the best of my knowledge.

5. The attached Exhibit "A" is a true and correct copy of the Indictment filed in
1CPC-21-0001427.

Executed at Honolulu, Hawai'i, April 1, 2024.

/s/ Lynne M. Youmans
LYNNE M. YOUMANS
Deputy Attorney General
Attorney for Department of Human Services

EXHIBIT

A

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

LEHUA KALUA,
ISAAC KALUA III,
ALSO KNOWN AS "SONNY,"

Defendant.

CASE NO. 1CPC-21-0001427

COUNT 1:

MURDER IN THE SECOND DEGREE
(\$707-701.5, 706-656, 702-203, and 663-1.6
HRS)

COUNT 2:

MURDER IN THE SECOND DEGREE
(\$707-701.5, 706-656, 702-203, and 663-1.6
HRS)

COUNT 3:

HINDERING PROSECUTION IN THE FIRST
DEGREE
(\$710-1029 and 710-1028(1) HRS)

COUNT 4:

ABUSE OF FAMILY OR HOUSEHOLD MEMBERS
(\$709-906(1) and (5)(a) HRS)

COUNT 5:

ABUSE OF FAMILY OR HOUSEHOLD MEMBERS
(\$709-906(1) and (5)(a) HRS)

COUNT 6:

PERSISTENT NONSUPPORT
(\$709-903(1) HRS)

COUNT 7:

PERSISTENT NONSUPPORT
(\$709-903(1) HRS)

COUNT 8:

ENDANGERING THE WELFARE OF A MINOR IN
THE SECOND DEGREE

(§709-904(2) HRS)

COUNT 9:

ENDANGERING THE WELFARE OF A MINOR IN
THE SECOND DEGREE

(§709-904(2) HRS)

INDICTMENT

INDICTMENT

The Grand Jury charges:

COUNT 1: On or between August 18, 2021 to and including September 13, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA, being the parent or guardian or any other person having legal or physical custody of I.P.K. (2014), also known as A.P.S. (2014), did intentionally or knowingly cause the death of I.P.K. (2014), also known as A.P.S. (2014), a person less than eighteen years of age, by intentionally or knowingly inflicting injury on her, and/or by intentionally or knowingly omitting to perform a duty imposed by law, to wit, LEHUA KALUA, while at the scene of a crime, and knowing that I.P.K. (2014) also known as A.P.S. (2014), the subject of the crime, was suffering from serious physical harm, did intentionally or knowingly fail to obtain or attempt to obtain aid from law enforcement or medical personnel though LEHUA KALUA could have done so without danger or peril to any person, thereby committing the offense of Murder in the Second Degree, in violation of Sections 707-701.5 and 706-656 and/or Sections 707-701.5 and 706-656, 702-203, and 663-1.6 of the Hawai'i Revised Statutes.

LEHUA KALUA, is subject to sentencing in accordance with Section 706-660.2 of the Hawaii

Revised Statutes where, in the course of committing or attempting to commit a felony, she caused the death or inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), who was eight years of age or younger, and such disability was known or reasonably should have been known to LEHUA KALUA.

If convicted of this offense or any included felony offense, LEHUA KALUA may be subject to sentencing in accordance with Section 706-661 and Section 706-662(5) of the Hawai'i Revised Statutes where she is an offender against a minor eight years of age or younger in that LEHUA KALUA attempted or committed murder and LEHUA KALUA, in the course of committing or attempting to commit the crime, inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), a person who had the status of being eight years of age or younger and the status of I.P.K. (2014), also known as A.P.S. (2014), was known or reasonably should have been known to LEHUA KALUA, and an extended term of imprisonment is necessary for the protection of the public.

COUNT 2: On or between August 18, 2021 and September 13, 2021, in the City and County of Honolulu, State of Hawai'i, ISAAC KALUA III, ALSO KNOWN AS "SONNY," being the parent or guardian of I.P.K. (2014), also known as A.P.S. (2014), did intentionally or knowingly cause the death of I.P.K. (2014), also known as A.P.S. (2014), a person less than eighteen years of age, by intentionally or knowingly omitting to perform a duty imposed by law, to wit, ISAAC KALUA III, ALSO KNOWN AS "SONNY," while at the scene of a crime, and knowing that I.P.K. (2014), also known as A.P.S. (2014), the subject of the crime, was suffering from serious physical harm, did intentionally or knowingly fail to obtain or attempt to obtain aid from law enforcement or medical personnel though ISAAC KALUA III, ALSO KNOWN AS "SONNY," could

have done so without danger or peril to any person, thereby committing the offense of Murder in the Second Degree, in violation of Sections 707-701.5 and 706-656 and/or Sections 707-701.5 and 706-656, 702-203, and 663-1.6 of the Hawai'i Revised Statutes.

ISAAC KALUA III, ALSO KNOWN AS "SONNY," is subject to sentencing in accordance with Section 706-660.2 of the Hawaii Revised Statutes where, in the course of committing or attempting to commit a felony, he caused the death or inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), who was eight years of age or younger, and such disability was known or reasonably should have been known to ISAAC KALUA III, ALSO KNOWN AS "SONNY."

If convicted of this offense or any included felony offense, ISAAC KALUA III, ALSO KNOWN AS "SONNY," may be subject to sentencing in accordance with Section 706-661 and Section 706-662 (5) of the Hawaii Revised Statutes where he is an offender against a minor eight years of age or younger in that ISAAC KALUA III, ALSO KNOWN AS "SONNY," attempted or committed murder and in the course of committing or attempting to commit the crime, inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), a person who had status of being eight years of age or younger and the status of I.P.K. (2014), also known as A.P.S. (2014), was known or reasonably should have been known to ISAAC KALUA III, ALSO KNOWN AS "SONNY," and an extended term of imprisonment is necessary for the protection of the public.

COUNT 3: On or about August 18, 2021, to and including September 13, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," with the intent to hinder the apprehension, prosecution, conviction, or

punishment of LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," for Murder in the Second Degree or any included felony offense, did render assistance to LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," by suppressing by an act of concealment, alteration, or destruction of any physical evidence that might aid in the discovery, apprehension, prosecution, or conviction of LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," thereby committing the offense of Hindering Prosecution in the First Degree, in violation of Sections 710-1029 and 710-1028(1) of the Hawai'i Revised Statutes. LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," commits the offense of Murder in the Second Degree, in violation of 707-701.5, 706-656, 702-203, and 663-1.6 of the Hawaii Revised Statutes if LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," intentionally or knowingly causes the death of I.P.K. (2014), also known as A.P.S. (2014), by intentionally or knowingly inflicting injury on her, and/or by intentionally or knowingly omitting to perform a duty imposed by law, to wit, LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," while at the scene of a crime, and knowing that I.P.K. (2014), also known as A.P.S. (2014), the subject of the crime, was suffering from serious physical harm, did intentionally or knowingly fail to obtain or attempt to obtain aid from law enforcement or medical personnel though LEHUA KALUA AND/OR ISAAC KALUA III, ALSO KNOWN AS "SONNY," could have done so without danger or peril to any person.

COUNT 4: On or about July 7, 2021, to and including August 4, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA did intentionally, knowingly, or recklessly physically abuse I.P.K. (2014), also known as A.P.S. (2014), a family or household member, thereby committing the offense of Abuse of Family or Household Members, in violation of

Section 709-906(1) and (5) of the Hawai'i Revised Statutes. "Family or household members" means parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit, but does not include persons who are or were adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

COUNT 5: On or about June 3, 2021, to and including June 14, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA did intentionally, knowingly, or recklessly physically abuse I.P.K. (2014), also known as A.P.S. (2014), a family or household member, thereby committing the offense of Abuse of Family or Household Members, in violation of Section 709-906(1) and (5) of the Hawai'i Revised Statutes. "Family or household members" means parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit, but does not include persons who are or were adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

COUNT 6: On or about August 5, 2019 to and including May 28, 2020, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," did knowingly and persistently fail to provide support which LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," could in fact provide and which LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," knows the person is legally obliged to provide to a child or other dependent, to wit, I.P.K. (2014) also known as A.P.S. (2014) and [REDACTED] also known as [REDACTED], thereby committing the offense of Persistent Nonsupport in violation of Section 709-903(1) of the Hawaii Revised Statutes. Pursuant to Section 709-903(2) of the Hawaii Revised Statutes, "support" includes but is not limited to food, shelter, clothing, education, and other necessary care as determined by law.

COUNT 7: On or about August 17, 2020 to and including May 28, 2021, in the City and County of Honolulu, State of Hawaii, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," did knowingly and persistently fail to provide support which LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," could in fact provide and which LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," knows the person is legally obliged to provide to a child or other dependent, to wit, I.P.K. (2014) also known as A.P.S. (2014) and [REDACTED] also known as [REDACTED], thereby committing the offense of Persistent Nonsupport in violation of Section 709-903(1) of the Hawaii Revised Statutes. Pursuant to Section 709-903(2) of the Hawaii Revised Statutes, "support" includes but is not limited to food, shelter, clothing, education, and other necessary care as determined by law.

COUNT 8: On or about February 8, 2019, to and including August 17, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," did knowingly endanger the physical or mental welfare of I.P.K. (2014), also known as A.P.S. (2014) by violating or interfering with any legal duty of care or protection owed I.P.K. (2014), also known as A.P.S. (2014), a minor, thereby committing the offense of Endangering the Welfare of a Minor in the Second Degree, in violation of Section 709-904(2) of the Hawaii Revised Statutes.

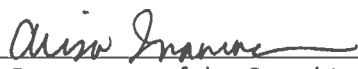
COUNT 9: On or about February 8, 2019, to and including September 13, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY," did knowingly endanger the physical or mental welfare of [REDACTED] also known as [REDACTED], by violating or interfering with any legal duty of care or protection owed [REDACTED] also known as [REDACTED], a minor, thereby committing the offense of

Endangering the Welfare of a Minor in the Second Degree, in violation of Section 709-904(2) of the Hawaii Revised Statutes.

A True Bill found this day: November 17, 2021



Tiffany L.H. Kaeo
Deputy Prosecuting Attorney
City and County of Honolulu



Alisha Inamine
Foreperson of the Grand Jury

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was
duly served this date on the following parties at the address listed below:

ROBERT BRIAN BLACK. ESQ.
BENJAMIN M. CREPS, ESQ.
Civil Beat Law Center for the Public Interest
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813

Attorneys for Movant

DATED: Honolulu, Hawai'i, April 1, 2024.

/s/ Lynne M. Youmans
LYNNE M. YOUMANS
Deputy Attorney General
Attorney for Department of Human Services