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FIRST CIRCUIT
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IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

	)	1FFM-24-0000018
	)	REDACTED
SPECIAL PROCEEDING TO UNSEAL	)	DEPARTMENT OF HUMAN
ADOPTION RECORDS	)	SERVICES' MEMORANDUM IN
	)	OPPOSITION TO MOTION TO
	)	UNSEAL COURT ADOPTION
	)	RECORDS 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 COURT ADOPTION RECORDS
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 Court Adoption Records 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 Court Adoption Records 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, and 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 related to the issues raised in 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 I.P.K. (2014), [REDACTED] was adopted by Ms. Kalua and Mr. Kalua, along with their sister [REDACTED]. The records requested by Petitioner in their Motion to Unseal are [REDACTED] and [REDACTED] adoption records also. Despite that reality, the Motion to Unseal only tangentially refers to [REDACTED] and does not mention [REDACTED] DHS believes that their interests, and their right to privacy, should be front and center in the Court's analysis of this request to unseal, as required by law.

II. ARGUMENT

Petitioner urges this Court to read §578-15(b)(1), HRS, which permits a lifting of a seal on adoption records "[u]pon order of the family court upon a showing of good cause," totally out of context, and apply the broadest meaning imaginable to the subparagraph. DHS urges this Court to follow the law regarding statutory construction. Specifically, when the meaning of a statute is ambiguous, the Court should look to context and legislative history while avoiding any construction that would lead to an absurd result. §1-15, HRS. In this case the ambiguity arises from two subsections of the statute that on their face would be obviously conflicting, and that can only be read together consistently in one way to avoid an absurd result.

Subparagraph §578-15(b)(1), HRS, cannot be read as Petitioner requests without completely ignoring the rest of the paragraph. Petitioner's suggestion that this Court has unlimited discretion to release adoption records for any reason, including public interest, cannot be reconciled with the significant limitations on disclosure detailed in the rest of §578-15. HRS §578-15(a) states outright that adoption proceedings "shall not be open to the public" when describing access to the record prior to the granting of the adoption. Reading the statute to say that adoption records should be confidential and available only to the parties until the adoption is granted and then the Court has unfettered discretion to release everything to the public is nonsensical and not consistent with the rest of the paragraph. The other subparagraphs of §578-15(b), which appear right after the paragraph the Petition relies on so heavily, include limitations on the right of the adopted individual and the natural parents to access the adoption records before the adopted individual reaches the age of eighteen. The suggestion that the language limiting the Court's discretion to release adoption records only applies to the parties to the action and not to any member of the public seeking release of the records is absurd.

The right of adoptees, adoptive parents, and birth parents to keep adoption records private has been recognized in Hawai'i law from the time that Hawai'i was a territory and not yet a state in the United States. The Revised Laws of Hawaii (RLH) from 1955 recognized this right in §331-15, RLH. The law specifically directed that "the clerk of the court shall seal all records in the proceedings" related to adoptions. The law made clear that even the parties to the adoption could not unseal the records and would have to get an order from a judge in the adoption proceeding to review the adoption records.

This authority of the judge to release records by court order was never understood to be a general right of any member of the public to seek release of the records. The authority was always understood to be limited to the parties to the adoption proceedings. The Supreme Court of Hawai'i interpreted §331-15, RLH in In Re Adoption of Watson. 45 Haw. 69, 361 P.2d 1054 (1961). The case involved the appeal by the biological paternal grandfather of two adoptees who wanted to challenge the lower court's decision to change the last name of his late son's children after they were adopted by their mother's new husband. Id. at 70-71 and 1055. The lower court allowed the paternal biological grandfather to file motions in the case challenging the decision to change the children's names but did not provide him full access to the adoption file because he was not a party to the action. Id. at 71 and 1056. The Supreme Court held that the paternal grandfather, who was not a party to the adoption case, did not have a right to appeal the decision to change the children's names and, under the same reasoning, did not have the right to appeal the decision to deny him access to the full adoption record. Id. at 80 and 1060.

The understanding that adoption records are private, and even the parties to the adoption proceedings have limited access to those records, has been and continues to be a feature

of Hawai'i adoption law. In the legislative session in 1976, Act 194 made substantial changes to Hawai'i's adoption law. 1976 Reg. Sess. Haw. Sess. Laws Act 194, §§1-3 at 353-360. The provision regarding privacy of the records did not change substantially in 1976, although it did acquire its current statutory section number, HRS 587A-15. *Id.* at 359. There was a technical change in the language regarding what is necessary, even for parties, to get access to an adoption record after the adoption was granted. Rather than saying, as the original statute did, that the record "may be inspected only by order of the judge exercising jurisdiction in adoption proceedings," the language was changed to "[t]he seal shall not be broken and the records shall not be inspected by any person, including the parties to the proceedings, except upon order of the family court." *Id.* This is the origin of the phrase "upon order of the family court" that Petitioner references in their brief. It was not added to the statute to make adoption records more accessible. It was added to the statute to replace the phrase "judge exercising jurisdiction in adoption proceedings." The secrecy of the proceedings was still presumed, and protected, by the statute.

The legislative history of the phrase "upon a showing of good cause" from §578-15(b)(1), HRS, similarly does not support Petitioner's proposed interpretation. The phrase was added to the statute in 1990 by Act 338. 1990 Reg. Sess. Haw. Sess. Laws Act 338, §§1-8 at 1036-1040. Act 338 originated as H.B. No. 2089. The committee report in the House, on H.B. No. 2089, states that "[t]he purpose of this bill is to allow adoptees, adoptive parents, and natural parents to inspect adoption records, including the adoption decree and the original certificate of birth, upon request." H. Stand. Comm. Rep. No. 632-90 in 1990 House Journal, at 1076. (emphasis added). The report goes on to say that "[t]he current law allows inspection only upon order of the court, which order is often difficult, if not impossible to obtain." *Id.* at 1077.

The language regarding the purpose of the act was echoed in the Senate. The committee report stated "[t]he purpose of this bill is to allow the member of the adoption triad (the adoptees, adoptive parents, and natural parents) to inspect adoption records, including the adoption decree and the original certificate of birth, upon request after the adopted individual has attained the age of majority." S. Stand. Comm. Rep. No. 3056, in 1990 Senate Journal, at 1241. (emphasis added). The report notes that "[y]our Committee received extensive testimony on the issue of opening adoption records to members of the adoption triad, most of which were in favor of the concept." *Id.* (emphasis added). The report went on to say that "your Committee also is sensitive to the concerns of those in the triad who wish to maintain confidentiality. Your Committee believes that access to adoption records cannot be allowed without sufficient safeguards which will protect those individuals and maintain a balance in the exercise of rights by the members in the triad." *Id.*

The purpose language from the House and Senate was reflected in the Conference Committee report. The Committee stated that "[t]he purpose of this bill is to allow inspection of adoption records by adoptees, adoptive parents, and natural parents upon request and upon certain conditions." Conf. Comm. Rep. 97, in 1990 House Journal, at 804. Act 338 was meant to add an avenue for adoptees, as they turn 18, to get access to their own adoption records, without a court order, unless the natural parents affirmatively object to the release of their personal information. The law preserved the ability of adoptees, adoptive parents, and natural parents to get access to the records by court order but added a process for getting access to the records without a court order. In my experience as an attorney, the Family Court was often asked to release adoption records for adoptees and their adoptive families, by court order, for the specific purpose of proving their Hawaiian heritage to apply for educational benefits from

Kamehameha Schools. It was in this context that the bill added the language "upon a showing of good cause" to modify the original language allowing inspection of adoption records by "order of the family court." It was not intended to expand the right to inspection by court order to people who were not parties to the adoption. It was meant to preserve the limited right to inspection by court order while adding a procedure to inspect the record without court order.

Petitioner urges this Court to focus on the words of §578-15(b)(1), HRS out of context, devoid of history, and ignoring the absurdity of the results. Petitioner asks the Court to read subparagraph (b)(1) to provide the Court broad authority to order the release of adoption records for any reason, completely divorced from the language of the rest of the adoption statute. DHS asks the Court to read subparagraph (b)(1) consistent with the law on statutory construction, in the context of the rest of the paragraph, informed by legislative history, and avoiding an absurd reading. As clearly stated in paragraph (b)(2), the right to access an adoption record is the right of the adoptee after they turn 18. The right in this case is [REDACTED]'s right when she turns 18. The right is [REDACTED]'s right when she turns 18. They should be allowed to exercise it, at 18, if they choose to.

DHS recognizes that [REDACTED] and [REDACTED]'s court appointed advocates have not taken the same position with respect to [REDACTED] and [REDACTED]'s privacy rights. DHS, as the girls' legal custodian, through the Department of the Attorney General, is not relieved of its obligation to advocate for those rights and uphold the law, as duly enacted in the State.

III. CONCLUSION.

For the foregoing reasons, 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 Court Adoption Records 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.

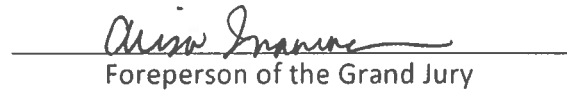
COUNT 9: On or about February 8, 2019, to and including September 13, 2021, in the City and County of Honolulu, State of Hawai'i, LEHUA KALUA AND ISAAC KALUA III, ALSO KNOWN AS "SONNY " did knowingly endanger the physical or mental welfare of [REDACTED], also known as [REDACTED] by violating or interfering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



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