

ANNE E. LOPEZ 7609  
Attorney General for the State of Hawai'i  
AMANDA J. WESTON 7496  
DAVID N. MATSUMIYA 9640  
Deputy Attorneys General  
Department of the Attorney General,  
State of Hawai'i  
425 Queen Street  
Honolulu, Hawai'i 96813  
Telephone: (808) 586-1300  
Facsimile: (808) 586-8115  
E-mail: amanda.j.weston@hawaii.gov  
david.n.matsumiya@hawaii.gov

Attorneys for Defendant  
STATE OF HAWAI'I

**Electronically Filed**  
**FIRST CIRCUIT**  
**1CC191001419**  
**19-DEC-2025**  
**10:27 PM**  
**Dkt. 550 EXH**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAI'I

JOHN ROE NO. 121,

Plaintiff,

vs.

STATE OF HAWAI'I; JOHN A. TEIXEIRA;  
JOHN DOES 1-10; DOE CORPORATIONS  
1-10; DOE PARTNERSHIPS 1-10; DOE  
NON-PROFIT ENTITIES 1-10; and DOE  
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO.: 1CC191001419  
(Other Non-Motor Vehicle Tort)

JOINT TRIAL EXHIBIT 12

Judge: Honorable Kevin T. Morikone  
Trial: April 22, 2024

CONFIDENTIAL REPORT OF THE  
DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

IN THE INTEREST OF

B [REDACTED] N [REDACTED] R [REDACTED]

FC-S No. 88-0933

Born on [REDACTED].

C [REDACTED] I [REDACTED] M [REDACTED]

FC-S No. 88-0932

Born on [REDACTED].

M [REDACTED] CHILDREN:

FC-S No. 95-04111

A [REDACTED] [REDACTED]  
Born on [REDACTED];

T [REDACTED], JR.,  
Born on [REDACTED].

I [REDACTED] R [REDACTED]

FC-S No. 95-04112

Born on [REDACTED].

K [REDACTED] F [REDACTED]

FC-S No. 95-04113

Born on [REDACTED].

SAFE FAMILY HOME GUIDELINES  
Date: September 27, 1995

THE DEPARTMENT BELIEVES THAT REASONABLE EFFORTS MUST BE MADE TO PRESERVE THE FAMILY UNIT, PREVENT UNNECESSARY PLACEMENT OF A CHILD, AND RETURN A CHILD TO THE FAMILY BY PROVIDING APPROPRIATE, AVAILABLE SERVICES TO FAMILY MEMBERS IN A TIMELY MANNER.

REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 2

Reasonable efforts is the process of 1) identifying the harm/risk of harm to the child which poses a threat to family preservation, 2) determining how the family problem(s) contributes to the harm/risk of harm, and 3) identifying, providing and assisting the family in obtaining available and appropriate services.

1. THE CURRENT FACTS RELATING TO THE CHILDREN WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILDREN.

This worker has been unable to speak with or observe the oldest five children B [redacted], R [redacted], C [redacted], M [redacted], A [redacted], M [redacted], T [redacted], M [redacted], Jr., and I [redacted] R [redacted]. B [redacted], age twelve, attends seventh grade at Waianae Intermediate School. He was absent on September 26, 1995, when this worker went to the school to see him. His counselor, Marci Nishioka, states that B [redacted] has been absent for ten school days out of a possible sixteen school days this year. He was out of attendance for the entire week of September 18, 1995, and also this week. He was spotted by a school staff member at the Pearl Ridge shopping center during the weekend of September 22, 1995.

Mrs. Nishioka reports that B [redacted] has not been involved in any disciplinary actions this year. His counselor last year at Leihoku Elementary School, Ray Yonemura, states that he used to speak with B [redacted] on occasion and that B [redacted] did have a tendency to be obstinate. B [redacted] also lived with his maternal aunt in Kalihi for a time last school year and attended part of the sixth grade at Kalihi Kai Elementary School. His "uncle", W [redacted] F [redacted], and his maternal aunt, B [redacted], both live with the children and their mother. W [redacted] and B [redacted] allege that B [redacted] sniffs gasoline and is a behavior problem. They both state that B [redacted] smashed cars in the yard on the evening of September 25, 1995, before W [redacted] asked B [redacted] to leave the property.

C [redacted], A [redacted] and T [redacted] were removed from Leihoku Elementary School for the remainder of this week by their mother, B [redacted] M [redacted], on September 26, 1995. The Vice Principal, Harvey Ouchi, gave this worker a phone number their mother left with him, but the number was disconnected. Ms. M [redacted] allegedly took the children to her sister M [redacted]'s home in Kalihi. Counselor Ray Yonemura told this worker that he knew these children, but had never spoken to their parents. C [redacted], age eight, is a second grader at Leihoku Elementary this year, having been retained in this grade from last



REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 3

year. He is described as "a rascal" by counselor Ray Yonemura, who used to speak with C[REDACTED] last year.

A[REDACTED], age seven, attends second grade at Leihoku this year. Mr. Yonemura said that A[REDACTED] also had academic problems, and faced possible retention in first grade last year. She is not a behavior problem in school, and is compliant with school expectations. T[REDACTED] M[REDACTED], Jr., age six, is in the first grade at Leihoku. His counselor, Jarrett Horibata, states that he has seen T[REDACTED] twice so far this year. T[REDACTED] has already been in three or four fights at school, and is described as a possible behavior problem in the school milieu.

I[REDACTED] R[REDACTED], age four, had been staying with his maternal aunts, B[REDACTED] and T[REDACTED], since their mother was jailed on September 23, 1995. When this worker attempted to find I[REDACTED] at the homes of these aunts, they stated that the child had gone with his mother to another aunt's home in Kalihi. All the relatives stated that they could not give a working phone number or address to this worker for "Aunt M[REDACTED]" in Kalihi. It appears that these five children are currently somewhere with their mother, B[REDACTED] M[REDACTED]. No medical records could be obtained for these children as there was no legal custodian available to sign a consent to release information.

K[REDACTED] F[REDACTED], age one and one half, is the subject of the report received by this Department on September 25, 1995. On the evening of September 23, 1995, K[REDACTED] was taken by ambulance to St. Francis West Medical Center's emergency room. He had sustained a blow to his forehead and was unconscious when he arrived at the hospital. The initial hospital report states that his mother, B[REDACTED] M[REDACTED] had intentionally hit the child in the head with a hammer. He did regain consciousness, and was transferred to the Dillingham Unit at Kapiolani Medical Center on the same day. The diagnosis at St. Francis had been "head injury with cerebral concussion".

The child was released from the hospital on September 25, 1995, with a lump and bruise on his forehead. He needs to be scheduled for an eye exam per the orders of his physician, Dr. Ronald Hino. This worker will also request a full skeletal survey to determine if there have been past injuries. K[REDACTED] was seen by this worker at the hospital on September 25, 1995. The child appeared tired and cried a good deal, even when his father attempted to comfort him.

REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 4

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR  
THREATENED HARM SUFFERED BY THE CHILD.

This Department received a report on September 25, 1995 stating that K. F. had allegedly been struck on the front of his head with a hammer by his mother, B. M., because the child had been crying and would not stop. The report states that the mother phoned paramedics when the child became unconscious. K. began to respond to the paramedics, was transported by ambulance to St. Francis West, and was subsequently admitted to Kapiolani Medical Center. The records from St. Francis West state that the blow to K.'s head was intentional, and that he was unconscious upon arrival. The CPS intake report states that the child appeared to have suffered no serious injury, but did sustain a large bruise on his forehead.

The police had been called to the scene of this incident on September 23, 1995, and arrested the mother, but apparently there was no police report to this Department. This worker contacted the Honolulu Police Department and found that B. M. had been charged with aggravated assault and making threats. Information gathered from Ruth Antone, Kapiolani Medical Center social worker, indicates that unidentified children who were at the hospital on the evening of September 23, 1995, had been speaking openly of being hit with a belt, and of their mother breaking their father's kneecap. It was not clear if these were Ms. M.'s children or her sister's children.

This worker was only able to interview Mr. W. F., K.'s alleged natural father, and K.'s maternal aunt, B. C. Mr. F. stated that B. M. had come home and started to "pick on him" while he was in the bedroom fixing a carburetor. W. and B. got into a fight, she grabbed him and he pulled her hair. Mr. F. alleges that Ms. M. picked up a hammer he had lying on the bed and swung it in an attempt to hit him. He claims that K., who had been standing behind his mother, was hit accidentally when B. swung the hammer backwards. Mr. F. stated that B. heard the child's crying, came into the room and took him out. B. allegedly then gave the child a bath, and then W. took K. into the bedroom and called 911 for assistance. W. said the child "went to sleep".

There have been several prior CPS reports regarding this family. A report was received on January 27, 1987, alleging that then four-year-old B. had been struck on the foot with a belt buckle by his mother's boyfriend, T.



REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 5

M[REDACTED]. The harm was not confirmed. On September 22, 1987, another allegation of threatened harm was received. Ms. M[REDACTED] and her boyfriend, T[REDACTED] M[REDACTED], allegedly became violent when they had been drinking, and this report was confirmed.

On May 3, 1988, this Department received a report alleging that B[REDACTED] and C[REDACTED] were at risk of physical abuse due to serious household abuse between Ms. M[REDACTED] and her boyfriend, T[REDACTED] M[REDACTED]. Threatened abuse was confirmed, and a family court petition and protective case management services were initiated. On April 4, 1990, a report was received alleging abuse and neglect of B[REDACTED] and C[REDACTED] by E[REDACTED] M[REDACTED]. The children were allegedly bruised, and mother was reported for drug abuse. This time neglect was confirmed. Full records have not yet been made available to this worker.

Mr. W[REDACTED] F[REDACTED] is the alleged father in another CPS case regarding I[REDACTED] R[REDACTED]. Mr. F[REDACTED] stated to this worker that his daughter had resided with him until December 1994, when he was charged with the molestation of his sixteen-year-old son. He claims he has been cleared of these charges and is seeking custody of I[REDACTED]. He has visitation with I[REDACTED] once per week at his home, supervised by CPS staff.

This worker consulted with the caseworker for I[REDACTED], Beverly Nakamoto, who states that she has had concerns regarding the home of W[REDACTED] F[REDACTED]. She describes his home as filthy, and states that she has repeatedly attempted to get Mr. F[REDACTED] to attend to repairs and alterations necessary to make the home safe for children. Ms. Nakamoto also said she is aware of a history of domestic violence between Mr. F[REDACTED] and Ms. M[REDACTED].

3. DATE(S) AND REASON FOR CHILD'S PLACEMENT OUT OF THE HOME, DESCRIPTION, APPROPRIATENESS, AND LOCATION OF THE PLACEMENT AND WHO HAS PLACEMENT RESPONSIBILITY (#2).

Date of Placement: July 25, 1995, K[REDACTED] F[REDACTED] only.

Where Placed: Emergency Shelter Home

Type of Placement: Police Protective Custody

Reason for Placement: Child sustained a hit to his head with a hammer inflicted by his mother. The explanation was changed from intentional to accidental. Mother will

be released from jail and child may sustain further harm.

Placement Responsibility: DHS

**4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.**

Mr. F [REDACTED] is of Portuguese, Spanish and Puerto Rican descent. He was born on Oahu, has five siblings, and is a high school graduate. His father is deceased; he and his sibling now take turns caring for his aged mother. W [REDACTED] was in the air force, and also worked as a mechanic and welder for the City and County of Honolulu. He is now disabled, his arm having been paralyzed in a 1974 car accident.

Mr. F [REDACTED] reports that he has known B [REDACTED] M [REDACTED] for four years, and that they have lived together for three years. They met through mutual friends. He states that their initial relationship was good, but that she became physically abusive to him after they began living together. He claims that B [REDACTED] chokes him, and hits him with lifting weights and other implements. He says he didn't at first hit her back, but that he now "defends himself". He initiated a two-year temporary restraining order against Ms. M [REDACTED] six months ago, but let her back into his home because he felt sorry for her. W [REDACTED] says he has warned B [REDACTED] that their relationship will not last, and says it will now be over.

Mr. F [REDACTED] has reported to this worker that B [REDACTED] M [REDACTED] comes from a large family. She was also born on Oahu, did not graduate from high school, but did perform some work when she was younger. Ms. M [REDACTED] is of Hawaiian, French, German and Chinese heritage. She was not available for this worker to interview. Mr. F [REDACTED] alleges that B [REDACTED] uses [REDACTED] approximately twice per week, and will not seek help despite the suggestions of others.



**REPORT - SAFE FAMILY HOME GUIDELINES**

**September 27, 1995**

**Page 7**

**5. THE RESULTS OF PSYCHIATRIC/PSYCHOLOGICAL/DEVELOPMENTAL EVALUATIONS OF THE CHILD, THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES.**

This worker will request psychological evaluations of both Mr. F [REDACTED] and Ms. M [REDACTED]. Beverly Nakamoto has told this worker that she has an "old" evaluation for W [REDACTED] that she will make available. Mr. F [REDACTED] has also told this worker that he sees a psychiatrist, Dr. Gary Cohen, through the Veteran's Administration. He is prescribed [REDACTED] and [REDACTED] for [REDACTED] and [REDACTED], and states that he suffers from [REDACTED] due to his service in the Vietnam War.

**6. WHETHER THERE IS A HISTORY OF ABUSIVE OR ASSAULTIVE CONDUCT BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE FAMILY HOME (PE).**

Ms. M [REDACTED] appears to have been involved in several abusive relationships with past boyfriends, according to prior CPS reports. Mr. F [REDACTED] reports that his relationship with B [REDACTED] is also physically abusive, and that she initiates the abuse. W [REDACTED] stated that B [REDACTED] did hit the children, and "had to be watched". B [REDACTED]'s sister, B [REDACTED], also alleges that she is afraid of B [REDACTED].

**7. WHETHER THERE IS A HISTORY OF SUBSTANCE ABUSE BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE FAMILY HOME.**

Mr. F [REDACTED] alleges that B [REDACTED] M [REDACTED] uses [REDACTED] on an average of twice per week. Her sisters, B [REDACTED] and T [REDACTED], have told this worker that B [REDACTED] intends to seek help for her drug abuse problem.

**8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.**

Ms. M [REDACTED] has not been available to acknowledge or apologize for harm.

**9. WHETHER THE NONPERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME HAS DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.**

Mr. F [REDACTED], the victim's father, was not able to prevent the child from being struck by a hammer wielded by his mother, B [REDACTED] M [REDACTED]. W [REDACTED] claims that B [REDACTED] meant to hit him with the hammer, and accidentally hit K [REDACTED] instead. Furthermore, there have been other abusive



REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 8

incidents in this home. Mr. F [REDACTED] did initiate a two-year restraining order against Ms. M [REDACTED] six months ago, but did not enforce it. He states that he got it "in case he needed it".

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

There may be extended family available to assist in the care of these children. Two sisters of Ms. M [REDACTED], B [REDACTED] and T [REDACTED], both have told this worker that they have also been involved with abusive men. They both say they have ended these relationships after being reported to CPS for the occurrence of household abuse. Further assessment is necessary regarding these support systems.

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT-ORDERED SERVICES DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Prior CPS intervention has not, apparently, alleviated problems impacting on the safety of the children in the home. Physical abuse of household members has repeatedly occurred, and B [REDACTED] M [REDACTED] allegedly continues to use [REDACTED] despite attempts by others to get her to seek help.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED OR CAN RESOLVE THE IDENTIFIED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

Without more complete information from B [REDACTED] M [REDACTED] and the children, this cannot be assessed. At present, the whereabouts of the five older children and their mother is unknown.

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

This worker has only observed K [REDACTED] F [REDACTED]. He appeared to be healthy, notwithstanding the bump and bruise on his forehead. He did cry for quite some time at the hospital, despite his father's attempts to calm him. B [REDACTED], C [REDACTED] and T [REDACTED] have experienced difficulty in the school environment due to their behavior. B [REDACTED] allegedly becomes quite

REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 9

obstinate and violent, and has engaged in "sniffing gasoline". Medical records for the children were not accessible.

14. ASSESSMENT (TO INCLUDE THE DEMONSTRATED ABILITY OF THE CHILD'S FAMILY TO PROVIDE A SAFE FAMILY HOME FOR THE CHILD) AND RECOMMENDATION.

This Department received a report on September 25, 1995, stating that K [REDACTED] F [REDACTED] has sustained a blow to the forehead inflicted by his mother, B [REDACTED] M [REDACTED]. She allegedly, intentionally, hit the child with a hammer when he would not stop crying. In a later interview with the child's father, W [REDACTED] F [REDACTED], he claimed that the blow to the child was accidental. Mr. F [REDACTED] stated that Ms. M [REDACTED] was attempting to hit him with the hammer during an argument, and hit K [REDACTED] accidentally when she swung the hammer backward. W [REDACTED] had initiated a TRO against B [REDACTED] six months ago due to her physical abuse of him, but he did not enforce it.

This family has been reported to CPS several times in the past. One report resulted in a Family Court petition and protective case management services. Ms. M [REDACTED] is alleged to use [REDACTED] regularly, and to abuse not only Mr. F [REDACTED], but also her children and sister, B [REDACTED]. Ms. M [REDACTED] has also been involved in past abusive relationships. Ms. M [REDACTED] has another daughter in the custody of CPS. The caseworker indicates that she may be seeking permanent custody of this child.

Ms. M [REDACTED] was arrested after the incident involving the hammer, but has been released from police custody. She subsequently went to Leihoku Elementary School to take C [REDACTED], A [REDACTED], and T [REDACTED] out of school. She allegedly went to her sister T [REDACTED]'s home to get I [REDACTED] as well but T [REDACTED] was not there. B [REDACTED] was ordered out of the home of W [REDACTED] F [REDACTED] on the night of September 25, 1995. The whereabouts of Ms. M [REDACTED], B [REDACTED], C [REDACTED], A [REDACTED], T [REDACTED], Jr., and I [REDACTED], are currently unknown to this Department. Family members say they are unable to give a working phone number or address for the sister, M [REDACTED], with whom Ms. M [REDACTED] is currently staying.

Therefore, based on the foregoing findings and assessment of this family, the Department respectfully recommends:


- a. That the Department be awarded Foster Custody of B [REDACTED], R [REDACTED], C [REDACTED], M [REDACTED], A [REDACTED], M [REDACTED], T [REDACTED], M [REDACTED], Jr., I [REDACTED], R [REDACTED], and K [REDACTED] F [REDACTED].



REPORT - SAFE FAMILY HOME GUIDELINES  
September 27, 1995  
Page 10

- b. That Ms. M [REDACTED] participate in a residential substance abuse treatment program such as Hawaii Addiction Center, Women's Way, or WATCH until clinically discharged.
- c. That Mr. F [REDACTED] participate in a substance abuse assessment, and follow any recommendations made until clinically discharged.
- d. That both Mr. F [REDACTED] and Ms. M [REDACTED] submit to a psychiatric/psychological evaluation, to determine treatment direction, and follow any recommendations until clinically discharged.
- e. That both Mr. F [REDACTED] and Ms. M [REDACTED] participate in an anger management treatment program such as the Komo Mai program for men and the Maluhia o Wahine program for women with Family Peace Center or the Alternatives to Violence program with Child and Family Service.
- f. That Mr. F [REDACTED] and Ms. M [REDACTED] attend a parenting education course or program to learn the developmental needs of their children and the practical application of parenting principles to meet those needs.

Respectfully submitted,

  
Jeanette J. Daly  
DHS Social Worker

E.L.

*John Roe 121 v. State of Hawai'i, et al.*

Civil No.: **1CC191001419**

Defendant's Exhibit: **JT12**

Marked for Identification: \_\_\_\_\_

Received into Evidence: \_\_\_\_\_

\_\_\_\_\_  
Clerk, First Circuit Court