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Electronically Filed
FIRST CIRCUIT
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JOHN ROE NO. 121,

Plaintiff,

vs.

STATE OF HAWAII; 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 23

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

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Human Services

FAMILY COURT
FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

11 54 o'clock AM
APRIL 21, 1997
J. NISHITOMI
Clerk

IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

In the Interest of

M. CHILDREN:

A. ,
Born on [Redacted]

T. Jr.,
Born on [Redacted]

FC-S No. 95-04111
~~ORDER DIVESTING MOTHER'S~~
~~ORDER AWARDING PERMANENT~~
~~CUSTODY AND ESTABLISHING A~~
~~PERMANENT PLAN, EXHIBIT "A"~~

JUDGE: Allene R. Suemori

DATE: April 21, 1997
9:30 AM

~~ORDER AWARDING PERMANENT~~
~~CUSTODY AND ESTABLISHING A PERMANENT PLAN~~
DIVESTING MOTHER'S PARENTAL RIGHTS

The following parties were present:

[] B. M. , mother
[] T. M. , adjudicated natural father
[] W. F. , mother's boyfriend
[]
[]
[X] Lawrence Dolan , DHS's representative (S/W)

Also present were:

[X] Marriquette L. S. Andrews , counsel for mother
[] , counsel for father
[]
[]
[X] Malcolm Eric Hong , guardian ad litem
[X] Chelun HUANG , deputy attorney general

DO NOT WRITE IN THESE SPACES
AND KEEP COPY OF THE ORIGINAL IN THIS OFFICE.
[Signature]
Family Court, First Circuit, State of Hawaii

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

SOH 002529

This matter was heard on April 21, 1997, before the Honorable Allene R. Suemori. All necessary parties were duly served and/or present and/or duly represented by counsel except:

- [X] B [REDACTED] M [REDACTED] (mother), who, having been [] duly served [X] previously ordered to appear and having failed to respond to three calls, was found to be in default.
- [] _____, who was previously defaulted at the hearing on _____.
- [] _____, who was excused by previous order of the Court on _____.
- [] _____, who was found to be an unconcerned natural father as defined by HRS §578-2 on _____ and notice to him was waived.

Based upon the record and/or the evidence presented, the Court finds by clear and convincing evidence that pursuant to

[X] HRS §587-73(a)

~~delete~~ → [X] HRS §§587-73(a) and (e),

and after full consideration of the relevant prior and current evidence pertaining to the safe family home guidelines, as set forth in HRS §587-25, including, but not limited to, the report/s submitted pursuant to HRS §587-40, that:

- A The child's/children's legal mother, legal ~~father~~ ^(only as to mother), adjudicated, presumed, or concerned father as defined under HRS Chapter 578 are not presently willing and able to provide the child/children with a safe family home, even with the assistance of a service plan;
- B It is not reasonably foreseeable that the child's/children's legal mother, legal ~~father~~ ^(only as to mother), adjudicated, presumed, or concerned father as defined under HRS Chapter 578 will become willing and able to provide the child/children with a safe family home, even with the assistance of a service plan, within a reasonable period of time;
- C The proposed permanent plan is in the best interests of the child/children;
- _____ The child/children has/have reached the age of fourteen and is/are supportive of the permanent plan;
- _____ The [] legal mother and [] legal father [] adjudicated natural father [] presumed natural father [] concerned natural

father of the child/children, has/have consented in writing to the adoption of the child/children by adoptive parents who will be approved by the Court;

The child's ☐ legal ☐ natural mother/father, _____, has received a copy of the Family Court's handout entitled NOTICE RE 1991+ ADOPTIONS and acknowledges that she understands the requirements of HRS Section 578-15 governing how to keep the court's adoption file confidential, in the event the above-named child is adopted;

Due diligence has been used by the DHS in its attempts to locate the child's legal/natural parent(s) in order to have them informed of the requirements of HRS section 578-15 governing how to keep the court's adoption file confidential in the event above-named child is adopted;

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1 The existing service plan is revoked ^{ad to mother} and the prior award of foster custody is ^{continued} ~~revoked~~;

2 The parental and custodial duties and rights of the child's/children's natural and legal mother, _____ M _____, are hereby divested pursuant to HRS §§ 587-2 and 587-73;

~~deleted~~ ^{CH} The parental and custodial duties and rights of the child's/children's ☐ legal father ☒ adjudicated natural father ☐ presumed natural father ☐ concerned natural father, Thomas Matias, are hereby divested pursuant to HRS §§ 587-2 and 587-73;

~~deleted~~ ^{CH} The Director of Human Services is hereby appointed permanent custodian of the above-named child/children, with authority to

deleted

CH

~~delegate his/her responsibilities and duties to a professional~~

~~member of his/her staff;~~

~~Until the child/children reach/reaches the age of eighteen or is/are adopted, the permanent custodian/s is/are awarded each of the parental and custodial duties and rights as are set forth in HRS §587-2, "Permanent Custody" and are stated in the Letters of Permanent Custody, a copy of which is being filed concurrently with this order;~~

deleted

CH

~~Each term set forth in the Permanent Plan [] as modified, dated~~

~~04/03/97~~

~~is hereby ordered by the Court, and a copy of said plan is attached hereto as Exhibit "A" and~~

3

CH

~~incorporated herein and made a part of this order;~~

The mutual rights of inheritance of the child/children and the child's/children's family members or any other benefit to which the child/children may be entitled shall not terminate, but rather, such mutual rights of inheritance as existed prior to the transfer of permanent custody shall continue in effect until the child/children is/are legally adopted;

4

CH

The continuing responsibility of the child's/children's family members for the support of the child/children, including, but not limited to, the payment for the cost of any and all care, treatment, or any other service supplied or provided by the permanent custodian/s, any subsequent permanent custodian/s, other authorized agency, or the Court for the child's/children's benefit, shall not terminate, but rather, such responsibilities as existed prior to the transfer of permanent custody shall

deleted
7
CH

~~continue in effect until the child/children is/are legally adopted;~~

deleted
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CH

~~The permanent custodian/s shall have authority to receive funds and tangible property deliverable to the child/children and apply the money and property for the support, care and education of the child/children, and to exercise care to conserve any excess for the child's/children's needs;~~

~~The permanent custodian/s shall serve without bond and without compensation and shall only be discharged upon further order of the Court, but a discharge of the permanent custodian/s does not affect the permanent custodian's liability for prior acts, nor his/her/their obligation to account for funds and assets of the child/children. Resignation of the permanent custodian/s of the child/children does not terminate permanent custody until it has been approved by the Family Court;~~

5
CH

The appointment of the GAL shall continue;

6
CH

Pursuant to HRS § 587-73(b)(4) ~~E [REDACTED] M [REDACTED]~~ and ~~T [REDACTED] [REDACTED]~~ are excluded from participating in adoption or other subsequent proceedings and he/she/they shall not be noticed of future hearings and he/she/they shall not appear at future hearings unless he/she/they receive further legal notice requiring such appearance;

7
CH

All parties are ordered to appear at a ^{continued motion for permanent custody as to the father} permanent plan review hearing which shall be held on August 4, 1997, at 8:30 A.m., before the presiding judge;

deleted
CH

~~The permanent custodian/s and the GAL shall each prepare an appropriate report and the permanent custodian/s shall prepare a~~

~~revised permanent plan, if such revisions are deemed necessary.
The permanent custodian/s report and plan are due two (2) weeks
prior to the above-stated court date and the GAL recommendation/
objection statement is due one (1) week prior to the above-
stated court date;~~

8 CH

All other currently existent orders consistent herewith shall
continue in full force and effect until further order of the
Court;

9

The hearing previously scheduled for May 6, 1997
at 8:30 A.m. is set aside;

~~_____ and _____ shall
remain in the Family Court waiting room and complete, to the
best of his/her/their ability, the Medical Information Form and
sign the Medical Record Release Form. He/She/They shall give
the signed forms to the social worker/Deputy Attorney General
before leaving Family Court;~~

~~_____ and _____ shall
discuss with his/her/their attorney(s), the requirements of HRS
Section 578-15 governing how to keep the court's adoption file
confidential (in the event the above-named child is adopted),
and shall execute the Affidavit of Parent and his/her/their
attorney(s) shall return it to the Office of the Attorney
General within five (5) working days;~~

~~_____ and _____ shall
complete the Medical Information Form and sign the Medical
Record Release Form and his/her/their attorney(s) shall return~~

it to the office of the Attorney General within five (5) working days, 10. CAL and DHS to prepare reports prior to the next hearing.

11 Pursuant to the Court Order of February 21, 1997, mother was ordered to attend the pre-trial hearing on April 21, 1997 at 9:30 AM, mother did not appear, 3 calls were made at 9:45 AM, the Court defaults mother.
12 Morrison Mette L.S. Andrews, counsel for mother is hereby discharged.

13 DHS to have [redacted] M [redacted] and W [redacted] F [redacted] served and at the next hearing on August 4, 1997 at 8:30 AM.

14 DHS is authorized to correct the birth certificate of [redacted] A [redacted] K [redacted] M [redacted], correct name should be M [redacted].

DATED: Honolulu, Hawaii,

APR 21 1997

Allen

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

Morrison Mette L.S. Andrews
Andrews

COURT CLERK: JAN Nishitomi



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

Civil No.: **1CC191001419**

Defendant's Exhibit: **JT23**

Marked for Identification: _____

Received into Evidence: _____

Clerk, First Circuit Court