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STATE OF HAWAI'I

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FIRST CIRCUIT
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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 28

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

MARGERY S. BRONSTER 4750
Attorney General

JACQUELYN desMARETS 2435
Deputy Attorney General
Department of the Attorney
General, State of Hawai'i
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Honolulu, Hawai'i 96813
Telephone: (808) 587-2969

Attorneys for the Department
of Human Services

FAMILY COURT
FIRST CIRCUIT COURT
STATE OF HAWAII

1998 FEB -3 P 3 21

FILED G. PUOU
CLERK

Julie Fontana

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S No. 95-04111
)	
M [REDACTED] CHILDREN:	)	MOTION FOR IMMEDIATE REVIEW TO
	)	CONTINUE ADOPTION/LEGAL
A [REDACTED]	)	GUARDIANSHIP HEARING SCHEDULED
Born on [REDACTED];	)	FOR FEBRUARY 11, 1998, TO SET
	)	ASIDE OR TO EXTEND TIME FOR
T [REDACTED] Jr.,	)	FILING OF ADOPTION PETITION;
Born on [REDACTED].	)	DECLARATION OF JACQUELYN
	)	desMARETS; EXHIBIT A; NOTICE
	)	OF MOTION
)	
)	
	)	Date: February 11, 1998
	)	Time: 8:30 a.m.
	)	Judge: Presiding
)	

MOTION FOR IMMEDIATE
REVIEW TO CONTINUE ADOPTION/LEGAL
GUARDIANSHIP HEARING SCHEDULED FOR FEBRUARY 11, 1998,
TO SET ASIDE OR TO EXTEND TIME FOR FILING OF ADOPTION PETITION

COMES NOW the Department of Human Services (hereinafter
"DHS"), by and through its attorneys, MARGERY S. BRONSTER,
Attorney General, and JACQUELYN desMARETS, Deputy Attorney
General, State of Hawai'i, and moves this Honorable Court for a
review hearing in the above-entitled matter for the purpose of
continuing the Adoption/Legal Guardianship Hearing currently

scheduled for February 11, 1998 at 8:30 a.m., to set aside or to extend the time for filing of the adoption petition, and for the issuance of such other orders as the Court deems appropriate.

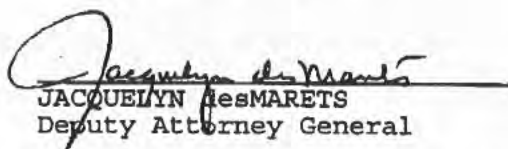
This motion is made pursuant to section 587-73(b)(4) of the Hawai'i Revised Statutes; Rule 7(b) of Hawai'i Family Court Rules; the Declaration of JACQUELYN desMARETS, which is attached hereto and made a part hereof; the reports and records filed in this matter; and such further evidence as may be adduced at the hearing on this motion.

FEB 05 1998

DATED: Honolulu, Hawai'i, _____.

Respectfully submitted,

MARGERY S. BRONSTER
Attorney General


JACQUELYN desMARETS
Deputy Attorney General

Attorneys for the Department
of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Interest of	)	FC-S No. 95-04111
)	
M[REDACTED] CHILDREN;	)	DECLARATION OF JACQUELYN
	)	desMARETS; EXHIBIT A
A[REDACTED],)	"
Born on [REDACTED];)	
)	
T[REDACTED] Jr.,)	
Born on [REDACTED].)	
)	
)	

DECLARATION OF JACQUELYN desMARETS

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

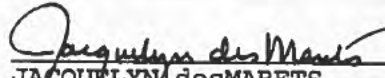
JACQUELYN desMARETS, being first duly sworn, on oath hereby deposes and says that:

1. Declarant is a deputy attorney general representing the Department of Human Services ("DHS") in the above-entitled matter;
2. At the permanent custody hearing which was held on August 4, 1997, the Honorable John C. Bryant, Jr. ordered that the Department of Human Services ("DHS") file an adoption/legal guardianship petition for the above-mentioned children to be heard on February 11, 1998;
3. DHS social worker Julie Tsutsui has prepared a written report and a copy of said report is attached hereto as Exhibit "A" and incorporated herein by reference;
4. DHS has been unable to complete the adoption/legal guardianship for the reasons stated in the above referenced report;

5. Declarant respectfully requests that the Adoption/Legal Guardianship Hearing currently set for February 11, 1998, be set aside or continued, that an extension of time for filing of the adoption/legal guardianship petition be granted, and that a new Permanent Plan be ordered;

6. Declarant states that under penalty of law that the foregoing is true and correct.

Executed on: FEB 03 1998


JACQUELYN desMARETS
Deputy Attorney General

Confidential Report of the
Department of Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of

M [REDACTED] CHILDREN:

FC-S No. 95-04111

A [REDACTED]

Born on [REDACTED]

T [REDACTED] Jr.

Born on [REDACTED]

REPORT TO COURT

January 28, 1998

The Department of Human Services (DHS) is requesting that the adoption hearing for A [REDACTED] M [REDACTED] and T [REDACTED] M [REDACTED] Jr., be set aside, and that the hearing regarding Legal Guardianship of T [REDACTED] M [REDACTED] Jr., be set aside. The adoption/legal guardianship hearing is scheduled for February 11, 1998.

A [REDACTED] resides with her siblings, I [REDACTED] R [REDACTED] and K [REDACTED] F [REDACTED] in a foster home. At the time that the adoption hearing was scheduled, it was reported that the foster parents were interested in adopting A [REDACTED] I [REDACTED] and K [REDACTED]. However, the foster parents are not interested in adopting the children, nor are they interested in caring for the children on a long-term basis. DHS is in the process of locating a prospective adoptive home that will adopt all three siblings together. A [REDACTED] K [REDACTED] and I [REDACTED] are very close; it would be in their best interests to be adopted together, if at all possible.

T [REDACTED] M [REDACTED] Jr., resides in a foster home; he is the only foster child in that home. The foster parents are not interested in adopting T [REDACTED] but may be interested in providing long-term foster care. The foster mother appears to be the parent interested in providing long-term foster care; the foster father appears to acquiesce to his wife's desire. DHS needs to assess the foster parents' motivation and commitment to T [REDACTED]. If both foster parents are not committed to caring for T [REDACTED], the probability of a disrupted placement increases, particularly in light of T [REDACTED] behavioral problems.

EXHIBIT "A"

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

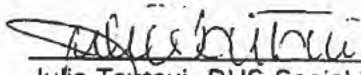
SOH 002190

M █████ CHILDREN
January 28, 1998

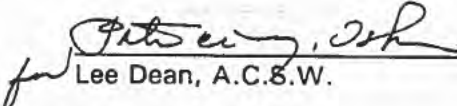
In April 1996, T █████ was diagnosed with █████. The Wai'anae Children's Team closed his case in October 1996, as his teachers and foster parents reported an improvement in his behavior. However, Maili Elementary will be requesting 504 services for T █████; 504 would entitle services for T █████, even though he does not qualify for special education. Services are being requested due to T █████' aggression in the classroom. A meeting in regards to 504 services will be scheduled by the Department of Education.

It is DHS' recommendation that the adoption hearing for A █████ M █████ be set aside. It is also recommended that the adoption/legal guardianship hearing for T █████ M █████, Jr., be set aside as the goal for Thomas needs to be identified.

1/28/98
Date


Julie Tsutsui, DHS Social Worker

Reviewed and approved by:


Lee Dean, A.C.S.W.

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

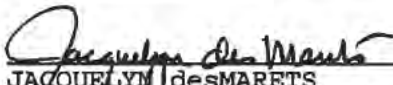
In the Interest of	)	FC-S No. 95-04111
)	
M [REDACTED] CHILDREN:	)	NOTICE OF MOTION
)	
A [REDACTED])	
Born on [REDACTED];)	
)	
T [REDACTED], Jr.,)	
Born on [REDACTED].)	
)	
)	

NOTICE OF MOTION

TO: MALCOLM ERIC HONG, ESQ.
98-211 Pali Momi Street, Suite 504
Aiea, Hawaii 96701
Guardian Ad Litem

YOU ARE HEREBY NOTIFIED that the foregoing Motion for Immediate Review to Continue Adoption/Legal Guardianship Hearing Scheduled for February 11, 1998, to set aside or to Extend the Filing of the Adoption Petition will be heard before the Honorable Presiding Judge of the above-entitled Court, on Wednesday, 11th day of February, 1998, at 8:30 a.m., in the Family Court, 2nd Floor, Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813, or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawai'i, FEB 03 1998.


JACQUELYN DesMARETS
Deputy Attorney General

Attorney for the Department
of Human Services

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

Civil No.: **1CC191001419**

Defendant's Exhibit: **JT28**

Marked for Identification: _____

Received into Evidence: _____

Clerk, First Circuit Court