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STATE OF HAWAI'I

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**FIRST CIRCUIT**  
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**19-DEC-2025**  
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**Dkt. 586 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 48

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

## PERMANENT PLAN

DATE: November 13, 1998

FC-S No.: 95-04111

CHILD'S NAME: M [REDACTED], T [REDACTED]

DOB: [REDACTED]

### I. GOAL:

The Department of Human Services' (DHS) goal is identify a permanent home (i.e., via Permanent Custody) for Thomas Matias by December 1998.

### II. REASON FOR STATED GOAL:

On June 9, 1998, the Adoption Review Team (ART) approved the change of goal from adoption services to long term foster care services (i.e., permanent custody/legal guardianship).

T [REDACTED] M [REDACTED]' foster father, J [REDACTED] T [REDACTED], is interested in assuming Permanent Custody of T [REDACTED].

T [REDACTED]' sister, D [REDACTED] M [REDACTED], previously expressed interest in caring for T [REDACTED] and his siblings. On November 9, 1998, Ms. M [REDACTED] informed this worker that she is no longer able to consider caring for the M [REDACTED] children, given her present circumstances and the needs of the children. Ms. M [REDACTED] will notify this worker in November 1998 if there are other family members interested in caring for T [REDACTED]. Ms. M [REDACTED] was informed that a decision regarding possible placement with a family member needs to be made by the end of November 1998. If this worker has not heard from family members by the end of November, it will be assumed that they are not interested.

### III. OBJECTIVES PRIOR TO ADOPTION/GUARDIANSHIP:

BEFORE adoption/permanent custody of T [REDACTED] M [REDACTED] is completed, DHS as permanent custodian, will be responsible for the following tasks unless otherwise indicated:

- A. **Placement:** Provide T [REDACTED] M [REDACTED] with a continuous safe and nurturing environment.
  - a) DHS originally assumed placement responsibility of T [REDACTED] on October 2, 1995, and he was placed in a DHS licensed foster home. T [REDACTED] was placed with Mr. T [REDACTED] on June 20, 1998.

Since the last permanent plan hearing in May 1998, T■■■■ has experienced a number of changes:

From October 1995 to May 21, 1998, T■■■■ resided in a special licensed foster home. The foster mother was being explored as a possible permanent home for T■■■■. This placement disrupted on May 21, 1998, due to T■■■■ significant behavioral/emotional problems. The foster mother was no longer able to cope with T■■■■ disruptive and aggressive behavior at school. The school personnel at Ma'ili Elementary contacted the foster mother frequently, due to T■■■■ behavior. After Mother's Day, T■■■■ began to run from the classroom, climb trees and bang his head. T■■■■ spent a whole day in the counselor's office after he refused to remain in class. The counselor was forced to restrain T■■■■ as he would bite her and kick furniture in her office.

From May 21, 1998 to May 26, 1998, T■■■■ resided in a emergency shelter home. The foster mother requested T■■■■ removal as she was afraid of losing her control due to T■■■■ behavior. Thomas displayed aggressive and oppositional behavior, such as swearing, hitting/slapping the other children, running out into the street and climbing the fence.

From May 26, 1998 to May 31, 1998, T■■■■ resided in a DHS foster home. The foster mother requested T■■■■ removal after he kicked her television set, and attempted to destroy the hotel room and a pool table at Ihilani.

T■■■■ was placed in a DHS foster home from May 31, 1998 to June 2, 1998. T■■■■ was temporarily placed in this home as there were no other placement options available. T■■■■ foster mother introduced T■■■■ to J■■■■ T■■■■. After spending time with Mr. T■■■■ at his farm, T■■■■ refused to leave Mr. T■■■■'s home. T■■■■ was subsequently placed with Mr. T■■■■.

As previously mentioned, there may be family members interested in caring for the M■■■■ children. Another placement would *not* be in T■■■■ best interest. T■■■■ desires to be adopted by Mr. T■■■■ and has threatened to run away if he is moved from Mr. T■■■■'s home. Mr. T■■■■ considers T■■■■ a part of his family, and states a commitment to provide a permanent home to T■■■■, regardless of T■■■■' background. Mr. T■■■■ advocates for T■■■■ educational needs and works with the school to provide the best educational environment for T■■■■.



Mr. T [REDACTED] is able to address T [REDACTED] behavioral problems in stride; he does not become agitated when T [REDACTED] misbehaves. It also appears that caring for Mr. T [REDACTED]'s animals (e.g., horses, chickens, Chihuahuas, etc.) has helped T [REDACTED] begin to heal from past trauma. T [REDACTED] thoroughly enjoys the animals and has his own Chihuahua.

1. Ensure that T [REDACTED] caretakers properly provide for his/her physical, emotional, social and medical needs.
2. Provide foster board payments for T [REDACTED] as long as he/she is eligible and meets the requirements as set forth in the DHS rules.
3. Inform the Hawai'i Family Court whenever T [REDACTED] leaves the home for more than seven consecutive days (except when on vacation or visiting friends/family).
4. On a semi-annual basis, until adoption/guardianship, provide the Hawai'i Family Court with a written report of T [REDACTED] situation including health, emotional adjustment, education, and other pertinent information.
  - a) All reports are due as ordered by the court.
5. Provide all consents that are required for T [REDACTED] physical, medical, dental, educational, recreational and social needs.
6. Complete an adoptive study of all interested parties, including family members.
7. Monitor T [REDACTED] placement in the adoptive home and notify the court by the fifth month of monitoring if there is to be a delay in the adoption and the reason for the delay.
8. File an adoption packet in Family Court; date to be determined.
9. Provide support to the caretakers in ensuring that the goals of this plan are met.

10. Assess T [REDACTED] eligibility for adoption assistance.

B. Health: Assure that T [REDACTED] M [REDACTED] health needs will be met.

Thomas receives medical services from Joseph Tsai, M.D. His dental services are provided by DentiCare. There are no significant health concerns reported.

1. Monitor T [REDACTED] health needs and ensure prompt follow-up.
2. Monitor T [REDACTED]' therapeutic needs and ensure prompt follow-up and participation.
3. Ensure medical coverage of T [REDACTED] as long as he/she is eligible.
4. Provide consents for all necessary medical, dental and visual care.

C. Education: Assure that T [REDACTED] M [REDACTED] receives adequate and appropriate educational services.

Due to T [REDACTED] significant disruptive and oppositional behavior at school, a psychological evaluation was conducted on April 23, 1998 by Ken Tremayne, Psy D. T [REDACTED] was diagnosed with [REDACTED] and [REDACTED].

[REDACTED] Combined Type needed to be ruled out. The evaluation also reported that T [REDACTED] had problems with his primary support group and had academic difficulties. Family counseling, a behavior plan, testing to rule out [REDACTED] case management services by the Department of Health (DOH) and consideration of placement in special education was recommended. T [REDACTED] was found eligible for 504 services (services for children who do are not eligible for special education).

T [REDACTED] is in the third grade at Waimanalo Elementary. He will be tested for special education as he continues to have behavioral problems at school. T [REDACTED] continues to exhibit aggressive and inappropriate behavior (e.g., fighting with other children, spitting at others, exposing himself, throwing food around). An Individualized Educational Plan (IEP) was conducted on September 8, 1998. T [REDACTED] was reported to be reading at the first grade level. A

behavioral plan was implemented at school and an [REDACTED] scale was given to Mr. Teixeira to rule out [REDACTED].

Mr. T [REDACTED] reports that T [REDACTED] has been rewarded at school, bringing home treats. He appears to be displaying some improvement. If the behavioral plan at school is not successful, medication for T [REDACTED] may be considered. Mr. T [REDACTED] requested that T [REDACTED] be in a self-contained classroom at school. Before this can be implemented, T [REDACTED] must first be tested for special education.

1. Ensure that T [REDACTED] is provided adequate and appropriate education.
2. Provide all consents necessary for T [REDACTED]'s educational needs.

**D. Therapy/Counseling:** Provide T [REDACTED] M [REDACTED] with appropriate therapy or counseling services.

Thomas receives therapeutic services from Arthur L. Walker, III, Ph.D. on a weekly basis. Dr. Walker was not available for an update on Thomas' progress.

1. Ensure that T [REDACTED] receives all necessary therapeutic treatment when and as needed.
2. Provide all consents necessary for counseling services.

**E. Birth Family:** Maintain the relationship between T [REDACTED] and his/her birth family.

T [REDACTED]'s birth mother, B [REDACTED] M [REDACTED], desires to see her children and has occasional phone contact with T [REDACTED] siblings. She has not had contact with T [REDACTED] since his removal from Ms. K [REDACTED]'s home. It was noted that T [REDACTED] behavior regressed after Ms. M [REDACTED] spoke with him around Mother' Day. Ms. M [REDACTED] may have gotten Ms. [REDACTED]'s phone number from T [REDACTED] siblings.

Ms. M [REDACTED] reportedly resides in Las Vegas and is employed at the Freemont Hotel in housekeeping. Ms. M [REDACTED] reportedly asserts that she no longer



abuses substances and is estranged from her boyfriend. She is said to be pregnant. Ms. M [REDACTED] reportedly plans to visit her children in December 1998. Ms. M [REDACTED] will need to obtain approval from DHS before such contact can be approved. While Ms. M [REDACTED] became aware of the whereabouts of T [REDACTED]'s siblings, she does not know where [REDACTED] resides.

If Ms. M [REDACTED] is to have contact with her children, she will need to demonstrate that she is able to support the permanent placement of her children. Consultation with [REDACTED]'s service providers would be needed before DHS could consider approving contact between T [REDACTED] and Ms. M [REDACTED]. Ms. M [REDACTED] has not asked for contact with T [REDACTED] since his removal from Ms. K [REDACTED].

1. After adoption/guardianship, all contact will be at the sole discretion of the adoptive parents/guardian.
2. Ms. M [REDACTED] will need to obtain prior approval from DHS to have contact with T [REDACTED]
  - a. Ms. M [REDACTED] will demonstrate that she is free of substances and will support T [REDACTED]'s permanent placement.

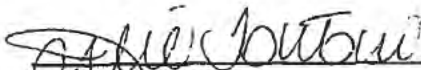
F. **Culture:** Provide T [REDACTED] M [REDACTED] with a sense of identity through an understanding of his cultural heritage. T [REDACTED] is of Hawaiian, Chinese, Puerto Rican and Spanish ancestry.

Mr. T [REDACTED]'s lifestyle reflects the local culture.

**AFTER T [REDACTED] IS ADOPTED, DECISIONS ABOUT T [REDACTED]'S PLACEMENT, HEALTH, EDUCATION, THERAPY, CULTURAL AWARENESS AND CONTACT WITH BIRTH FAMILY WILL BE AT THE SOLE DISCRETION OF HIS/HER ADOPTIVE PARENTS/GUARDIAN.**

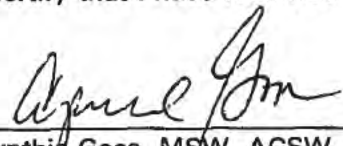
M [REDACTED], T [REDACTED]  
November 13, 1998  
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**IV. SIGNATURES:**

  
\_\_\_\_\_  
DHS Social Worker

11/14/98  
\_\_\_\_\_  
Date

I certify that I have reviewed this document.

  
\_\_\_\_\_  
Cynthia Goss, MSW, ACSW  
Representing the Department  
of Human Services

11/16/98  
\_\_\_\_\_  
Date

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Guardian Ad Litem

\_\_\_\_\_  
Date



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

Civil No.: **1CC191001419**

Defendant's Exhibit: **JT48**

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

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

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Clerk, First Circuit Court