

1. In re TM, No. SCWC-12-0000521, ___ Haw. ___, ___, P.3d ___ (January 6, 2014)
 - a. HI Supreme Court reversed the family court order granting the motion to terminate parental rights and the ICA judgment affirming the family court's decision.
 - b. Decision:
 - i. family court abused its discretion by failing to appoint counsel for mother
 - ii. the court rejected the "case by case" test to appoint counsel under the U.S. Const. to determine whether the court's failure to appoint counsel for an indigent parent in TPR proceedings violated Due Process
 - iii. The HI Supreme Court adopted a bright-line rule requiring the appointment of counsel for all indigent parents.

2. In re AS, 130 Haw. 486, 312 P.3d 1193 (App. 2012), No. SCWC-11-0001065, ___ Haw. ___, ___, P.3d ___, 2014 WL 594113 (February 14, 2014)
 - a. Note: The Supreme Court affirmed the ICA's published decision, with clarification.
 - b. Supreme Court Decision
 - i. As the State agency with the child welfare expertise, DHS, as the permanent custodian, has the discretion to determine where and with whom a child shall live
 - (1) this subject to the family court's independent determination of what placement is in the child's best interests.
 - (2) The party challenging DHS' permanent placement decision has the burden to prove, by the preponderance of the evidence, that DHS' placement decision is not in the child's best interests.
 - c. Relative Placement.
 - i. Federal Law. There is no Federal relative placement preference that DHS is required to carry out.
 - ii. State Law.
 - (1) The relative placement preferences in HRS Chapter 587A only apply to emergency and/or temporary foster placements.
 - (2) These preferences do not apply to permanent placements.
 - iii. DHS Kinship (Relative) Placement Policy Directives. DHS cannot justify a relative placement based on a kinship policy.
 - iv. The Supreme Court's prior rulings do not stand for the proposition that the family court must discharge DHS as the permanent custodian if the family court "disagrees with DHS' permanent placement decision."