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Attorneys for the Department of
Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Interest of

[NAME],

Born on ;

[NAME],

Born on .

FC-S No.

EX PARTE MOTION FOR PROTECTIVE
CUSTODY; DECLARATION OF
COUNSEL; EXHIBIT "A"

EX PARTE MOTION FOR PROTECTIVE CUSTODY

The Department of Human Services ("Department"), by and through its attorneys, ANNE E. LOPEZ, Attorney General, and [DEPUTY], Deputy Attorney General, State of Hawai‘i, moves this Honorable Court for an order that a police officer immediately take [NAME] [and NAME] (“the Child(ren)”) into protective custody and transfer custody to the Department, which will then assume temporary foster custody.

This Motion is made pursuant to Hawaii Revised Statutes (“HRS”) § 587A-11(9) and Rule 10, Hawai‘i Family Court Rules, and the Declaration of Counsel, which is attached hereto and made a part hereof.

DATED: Kapolei, Hawai‘i, _____.

Respectfully submitted,

ANNE E. LOPEZ
Attorney General

[DEPUTY]
Deputy Attorney General

Attorneys for the Department of
Human Services

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Interest of

[NAME],

Born on ;

[NAME],

Born on .

FC-S No.

DECLARATION OF COUNSEL; EXHIBIT
“A”

DECLARATION OF COUNSEL

[DEPUTY] hereby declares that:

1. I am the attorney for the Petitioner, the Department of Human Services ("Department"), in the above-entitled matter;
2. A Petition for Order Awarding Temporary Foster Custody was filed herein, and a temporary foster custody hearing was requested;
3. Declarant is informed and of the good faith belief that [SOCIAL WORKER] is the Department social worker assigned to this case who prepared the Report for Orders for Protective Custody and Temporary Foster Custody, dated [DATE]. A true and correct copy of that report is attached hereto as Exhibit “A”;
4. Declarant is informed and of the good faith belief that there is reasonable cause to believe that [NAME] [and NAME] (“the Child(ren)”) is/are subject to imminent harm by the acts or omissions of the Child(ren)’s family and that placement in temporary foster custody is necessary to protect the Child(ren) from imminent harm by reason of the facts stated in the Report for Orders for Protective Custody and Temporary Foster Custody, dated [DATE], attached hereto as Exhibit “A”;

5. Declarant requests that this Court make the following findings based upon the records and/or evidence presented by the Department, including the Report for Orders for Protective Custody and Temporary Foster Custody:

- a. There is reasonable cause to believe that the Child(ren) is/are subject to imminent harm because there is reasonable cause to believe that harm to the Child(ren) will occur or reoccur and no reasonable efforts other than removal of the Child(ren) from the family home will adequately prevent the harm;
- b. Continuation in the family home would be contrary to the immediate welfare of the Child(ren);
- c. Under the circumstances that are presented by this case, reasonable efforts were made by the Department to prevent or eliminate the need for removal of the Child(ren) from the family home; and
- d. There is reasonable cause to believe that placement in temporary foster custody is necessary to protect the Child(ren) from imminent harm.

6. Pursuant to HRS § 587A-11(9), Declarant requests that this Court issue a written order that:

- a. This Ex Parte Motion for Protective Custody is granted;
- b. A police officer shall immediately take the Child(ren) into protective custody and transfer custody of the Child(ren) to the Department;
- c. The Department shall assume temporary foster custody, including the responsibility for placement and care, of the Child(ren) pursuant to Hawaii Revised Statutes (“HRS”) § 587A-8(b);

- d. A police officer shall make every reasonable effort to personally serve the Child(ren)'s parents with copies of: (1) the Report for Orders for Protective Custody and Temporary Foster Custody, (2) the Petition for Order Awarding Temporary Foster Custody, (3) the Summons, (4) this Ex Parte Motion for Protective Custody, and (5) the Ex Parte Order for Protective Custody;
 - e. A police officer shall make every reasonable effort to personally serve any person who has physical custody of the Child(ren) with copies of: (1) this Ex Parte Motion for Protective Custody, and (2) the Order Granting Ex Parte Motion for Protective Custody; and
 - f. All parties are ordered to appear at a temporary foster custody hearing at a time and place to be set by this Court.
7. Declarant states that under penalty of law that the foregoing is true and correct.

DATED: Kapolei, Hawai'i, _____.

[DEPUTY]
Deputy Attorney General

Child Welfare Services are specialized services that are time limited. They are not intended to address all of the family's problems, but rather to resolve the most critical problem(s) that will reduce the risk of further harm to the child. The following information concerns the presence of imminent harm, which is the basis for jurisdiction pursuant to HRS 587A-5 and protective custody and temporary foster custody pursuant to HRS 587A-11. Numbers in () indicate the number of the Safe Family Home Factor as set forth in HRS 587A-7. Reports in compliance with HRS 587A-18(b)(1) and (2) will be filed on or before the next hearing date unless required sooner by the court.

**Confidential Report of the
Department of Human Services**

**IN THE FAMILY COURT OF THE Choose an item. CIRCUIT
STATE OF HAWAII**

IN THE INTEREST OF:

Click here to enter text.

**FC-S XX-XXXXX
No.**

Born on

Click here to enter text.

Born on

**REPORT FOR ORDERS FOR PROTECTIVE CUSTODY
AND TEMPORARY FOSTER CUSTODY**

Click here to enter a date.

A. HARM, FINDINGS, AND DISPOSITION (2) [SFHR 1]:

On Click here to enter a date., The Department of Human Services received a report of Click here to enter text. to Click here to enter text. by his/her parents, Click here to enter text..

On Click here to enter a date., Click here to enter text. to Click here to enter text. by his/her/their parents, Click here to enter text. was confirmed.

Prior CWS Involvement

00/00/00:

00/00/00:

**B. PRESENT SAFETY FACTORS (FROM SAFETY ASSESSMENT TOOL) (12)
[SFHR 2]:**

EXHIBIT

"A"

C. IN-HOME SAFETY ASSESSMENT [SFHR 3.1]:

Placement was assessed as **not preventable** because....

D. RECOMMENDATIONS:

Find that there is reasonable cause to believe that the child(ren) is/are subject to imminent harm because there is reasonable cause to believe that harm to the child(ren) will occur or reoccur and no reasonable efforts other than removal of the child(ren) from the family home will adequately prevent the harm.

Issue an ex parte order that a police officer immediately take the child(ren) into protective custody and transfer custody of the child(ren) to the DHS, which will then assume temporary foster custody.

Respectfully submitted by:

Click here to enter text. DHS Date
Social Worker

Click here to enter text. DHS Date
Supervisor