

NO. 22578

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Interest of JANE DOE, born on October 27, 1997

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT COURT
(FC-S NO. 98-05271)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Respondent-appellant Mother appeals from the April 28, 1999 order of the family court of the first circuit, which awards permanent custody of Jane Doe (Child) to the Department of Human Services (DHS). Mother argues that: (1) the family court lacked subject matter jurisdiction, (2) Mother's friend was improperly excluded as a witness by the family court, (3) the family court and DHS denied Child the opportunity to remain in a "safe family home," (4) DHS failed to prove by clear and convincing evidence that the family home was "unsafe," (5) DHS failed to prove by clear and convincing evidence that the family home was "unsafe" for the "reasonably foreseeable future," (6) DHS failed to prove by clear and convincing evidence that the permanent plan was in the best interests of the child, (7) DHS failed to use reasonable efforts to reunify Child with Mother, and (8) the findings of fact were unsupported by evidence and clearly erroneous.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that: (1) because Mother's stipulated findings triggered family court jurisdiction, the family court did not err in exercising its jurisdiction in this case; (2) because of the undisputed findings of fact regarding Mother's long history of chronic drug addiction and relapses, the family court's finding that Mother was unable to provide Child with a safe family home is not clearly erroneous; and (3) because the record contains evidence that the risk to Child of Mother's relapse while undergoing a residential drug treatment program was not in the best interests of Child, the family court's finding that DHS made reasonable efforts to reunify Child with Mother is not clearly erroneous. Accordingly,

IT IS HEREBY ORDERED that the family court's judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, October 10, 2000.

On the briefs:

T. Stephen Leong,
for Mother-Appellant

Jill T. Nagamine and
Mary Anne Magnier,
Deputy Attorneys General,
for Department of Human
Services-Appellee