

NO. 23073

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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IN THE INTEREST OF DOE CHILDREN:

JANE DOE born on October 3, 1996; and  
JOHN DOE born on January 20, 1998

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APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-S NO. 98-0030)

SUMMARY DISPOSITION ORDER

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

Father appeals from orders by the family court awarding permanent custody of Jane Doe, born on October 3, 1996, and John Doe, born on January 20, 1998, (collectively, Children) to the State of Hawai'i Department of Human Services (DHS). On appeal, Father argues that the family court abused its discretion in: 1) ordering service plans that did not reflect the services Father had previously completed and that were not appropriate for their family's individual needs; 2) failing to give Father a reasonable amount of time to provide the Children with a safe family home; and 3) terminating Father's parental rights without sufficient evidence from the guardian ad litem regarding the best interests of the Children.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments made and the issues raised by the parties, we resolve defendant-appellant's arguments as follows: (1) Father's point of error regarding the service plans was not properly

preserved for appeal because he did not object to the plans, see Shanghai Inv. Co., Inc. v. Alteka Co., Ltd., 92 Hawai'i 482, 499, 993 P.2d 516, 533 (2000), and, assuming arguendo, that it was properly preserved, the terms of the service plan were appropriate under the circumstances and were not an abuse of the family court's discretion; (2) the family court did not abuse its discretion in refusing to give Father more time to provide a safe family home where almost one year and eight months had elapsed between the initial petition for foster custody and the permanent plan hearing, see HRS § 587-73(a) (Supp. 1999) ("reasonable period of time which shall not exceed two years" (emphasis added)), and Father had shown no evidence of being able to provide a safe family home; and (3) although the family court erred in failing to require the guardian ad litem to submit written reports, the error does not require that the court's order be vacated because there was sufficient evidence to support the court's ruling, see In re Doe Children, 91 Hawai'i 166, 174, 981 P.2d 723, 731 (App. 1999), and a guardian ad litem is not required to meet with the parents of the subject child, see HRS § 587-34(c) (The "guardian ad litem shall make face to face contact with the child in the child's family or foster home at least once every three months." (Emphasis added.)).

THEREFORE, IT IS HEREBY ORDERED that the family court's orders are affirmed.

DATED: Honolulu, Hawai'i, February 21, 2001.

On the briefs:

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father-appellant

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Human Services