

NO. 23251

IN THE SUPREME COURT OF THE STATE OF HAWAII

---

In the Interest of JOHN DOE, Born on April 30, 1990

---

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-S NO. 97-04798)

SUMMARY DISPOSITION ORDER

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

Mother-appellant appeals the family court's January 28, 2000 Order Awarding Permanent Custody of John Doe (Child) to the Department of Health Services (DHS) and the family court's February 11, 2000 order denying her Motion for Reconsideration. On appeal, Mother contends the family court erred when it granted the state's Motion for Permanent Custody and Establishing a Permanent Plan because: (a) DHS did not demonstrate that the threatened harm required permanent custody to be ordered; (b) DHS did not demonstrate "reasonable efforts" to reunify Child with mother; (c) DHS's conclusion that Mother was unable to provide a safe home for Child was unsupported by the evidence; and (d) the permanent plan is not in the best interest of the child. Mother further contends the family court erred by denying Mother's Motion for Reconsideration.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to

the arguments advanced and issues raised, we hold as follows:

(1) the family court did not err when it granted the state's motion for permanent custody and establishing a permanent plan because: (a) DHS demonstrated by clear and convincing evidence that Mother could not provide Child with a safe family home, even with the assistance of a service plan, at the time of the permanent custody hearing or in the reasonably foreseeable future; (b) the family court's conclusion that DHS demonstrated "reasonable efforts" to reunify Mother and Child was not clearly erroneous; (c) the family court's findings of fact that Mother was not able to provide a safe home for Child were not clearly erroneous; and (d) DHS demonstrated by clear and convincing evidence that the permanent plan was in the best interest of Child; and (2) the family court did not err by denying Mother's Motion for Reconsideration.

DATED: Honolulu, Hawai'i, January 31, 2001.

On the briefs:

Richard S. Kawana  
for mother-appellant

Patrick A. Pascual and  
Mary Anne Magnier,  
Deputy Attorneys General,  
for Department of Human  
Services-appellee