

NO. 23496

IN THE SUPREME COURT OF THE STATE OF HAWAII

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IN THE INTEREST OF DOE CHILDREN:

JOHN DOE, Born on February 1, 1988,

JANE DOE, Born on April 28, 1989,

JANE DOE, Born on November 24, 1990,

JANE DOE, Born on June 16, 1993

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APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-S 98-004)

SUMMARY DISPOSITION ORDER

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

Father-appellant appeals from the third circuit family court's April 15, 2000 order terminating family court jurisdiction over Doe Children and May 22, 2000 order denying Father's motion for reconsideration. On appeal, Father contends: (1) that the family court abused its discretion by ordering termination of jurisdiction over a child living outside the state; (2) that the family court erred by granting the Department of Health Services (DHS) family supervision of John Doe while the child was with his maternal grandparents in Puerto Rico; and (3) that the family court abused its discretion when it determined that Mother could provide John Doe with a safe family home without the assistance of a service plan.

Upon carefully reviewing the record and briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold as follows:

The family court did not abuse its discretion by concluding that Mother was willing and able to provide John Doe with a safe family home without the assistance of a service plan on April 15, 2000 because (1) there is substantial evidence in the record that Mother was able to provide John Doe with a safe family home without the assistance of a service plan, (2) Father's allegations that the family court reached an erroneous conclusion are not supported by the record, and (3) the family court is afforded wide discretion in making these decisions, In re Jane Doe, Born on May 22, 1976, 84 Hawai'i 41, 46, 928 P.2d 883, 888 (1996) (quoting In re Jane Doe, 77 Hawai'i 109, 115, 883 P.2d 30, 36 (1994)). Because the family court concluded that Mother was able to provide John Doe with a safe family home without the assistance of a service plan, HRS § 587-71(b) (Supp. 2000) required the family court to terminate its jurisdiction over John Doe. Father's remaining allegations of error, which have nothing to do with Mother's ability to provide John Doe with a safe family home, are thus moot. AIG Hawai'i Ins. Co., Inc. v. Bateman, 82 Hawai'i 453, 459, 923 P.2d 395, 401 (1999) (citation omitted) (the mootness doctrine precludes this court from declaring rules of law which cannot effect the matter in issue). Accordingly,

IT IS HEREBY ORDERED that the orders filed April 15, 2000 and May 22, 2000 by the family court of the third circuit from which this appeal is taken are affirmed.

DATED: Honolulu, Hawai'i, May 9, 2001.

On the briefs:

Stephanie St. John for  
father-appellant

David H. Lawton and  
Brian J. De Lima for  
mother-appellee

Jay K. Goss and  
Mary Anne Magnier for  
Department of Human  
Services-appellee