

NO. 23549

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Interest of JANE DOE, Born on November 9, 1997, a minor,
(No. 23549 (FC-S No. 98-05180))

In the Interest of DOE CHILDREN:
JOHN DOE, Born on May 5, 1986;
JOHN DOE, Born on August 20, 1988;
JOHN DOE, Born on December 27, 1989;
JOHN DOE, Born on May 20, 1991;
JOHN DOE, Born on September 12, 1993; and
JOHN DOE, Born on July 9, 1996, minors,
(No. 23550 (FC-S No. 98-05179))

In the Interest of JOHN DOE, Born on November 18, 1998, a minor,
(No. 23552 (FC-S No. 98-05729))

APPEALS FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NOS. 98-05180, 98-05179, AND 98-05729)

SUMMARY DISPOSITION ORDER

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

In this consolidated matter¹ arising under the Child Protective Act, see Hawai'i Revised Statutes (HRS) chapter 587 (1993 & Supp. 2000), Mother appeals from (1) the order of the family court, the Honorable R. Mark Browning presiding, filed on December 20, 1999, awarding the Department of Human Services permanent custody of eight of her children and, thereby, divesting her of her parental rights in the children, (2) the order of the family court, the Honorable R. Mark Browning

¹ By order of this court, filed on September 23, 2000, Mother's appeals in Nos. 23549, 23550, and 23552 were consolidated for purposes of briefing and disposition under No. 23549.

presiding, filed on May 30, 2000, denying her motion for reconsideration, and (3) Judge Browning's written findings of fact (FOFs) and conclusions of law (COLs), filed on August 10, 2000. 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, inasmuch as the FOFs and COLs (which present mixed questions of law and fact) challenged by Mother on appeal are reviewed for clear error, see In the Interest of Jane Doe, Born on June 20, 1995, No. 21972, slip. op. at 13-15 (Haw. Mar. 30, 2001), and are not clearly erroneous, the family court did not abuse its discretion in either awarding permanent custody of the children to the DHS or in denying Mother's motion for reconsideration. Therefore,

IT IS HEREBY ORDERED that the order filed on December 20, 1999, the order filed on May 30, 2000, and the written findings of fact and conclusions of law filed on August 20, 2000 by the family court of the first circuit from which the appeal is taken are affirmed.

DATED: Honolulu, Hawai'i, May 10, 2001.

On the briefs:

Jeffry R. Buchli, for
mother-appellant in
connection with all
three appeals

James W. Walther, Jay K.
Goss, and Mary Anne
Magnier, for appellee
Department of Human Services
in connection with all three
appeals