

NO. 23551

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE INTEREST OF

JOHN DOE,
Born on January 5, 1998

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 99-06145)

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of Appellant's motion for reconsideration of the October 26, 2000 order dismissing appeal, the papers in support and the record, it appears that Appellant was represented by counsel Paul Durbin at the November 10, 1999 foster custody review hearing and the April 12, 2000 permanent custody hearing. Durbin was counsel of record for Appellant until expiration of the time for appealing the April 12, 2000 permanent custody order. The responsibility of notifying Appellant of the status of the family court case and the procedures for appeal lay with Appellant's counsel, not with the family court or the Department of Human Services.

It further appears that Appellant's June 28, 2000 notice of appeal was not a motion for reconsideration of the April 12, 2000 order. Even if the notice of appeal is deemed a motion for reconsideration, the motion did not meet the requirements of HRS § 571-54 because it was not filed within twenty days after entry of the April 12, 2000 order.

It finally appears that the requirements of HRS § 571-54 are mandatory. In re Jane Doe, 3 Haw. App. 391, 394, 651 P.2d 492, 494 (1982). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, November 16, 2000.