

*** NOT FOR PUBLICATION ***

NO. 23658

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE INTEREST OF DOE CHILDREN:

John Doe, born on August 12, 1992;
John Doe, born on November 23, 1994;
Jane Doe, born on September 29, 1995;
John Doe, born on March 14, 1997;
(NO. 23658 (FC-S NO. 98-05223))

IN THE INTEREST OF JANE DOE, born on December 6, 1998
(NO. 23657 (FC-S NO. 98-05715))

APPEALS FROM FAMILY COURT OF THE FIRST CIRCUIT

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, and Nakayama, JJ.,
Circuit Judge Wilson, in place of Acoba, J., unavailable,
and Circuit Judge Cardoza, assigned by reason of vacancy)

Mother-appellant (Mother) appeals from the June 7, 2000 decision and order of the family court of the first circuit, the Honorable Karen M. Radius presiding, awarding permanent custody of Mother's children to the Department of Human Services (DHS), and the July 14, 2000 orders concerning the child protective act, denying Mother's motion for reconsideration.

Mother sets forth eleven points of error, but fails to provide corresponding arguments for each point of error as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b) (7).¹ Because each point of error is either a finding of

¹ HRAP Rule 28(b) (7) provides in relevant part:

(b) Opening brief. Within 40 days after the filing
(continued...)

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fact or conclusion of law that may be incorporated into one of the four arguments presented, all were addressed. Mother's four arguments are: (1) the family court abused its discretion in awarding permanent custody and establishing a permanent plan; (2) the family court abused its discretion in denying Mother's motion for reconsideration; (3) DHS did not exert reasonable and active efforts to reunify the children with their mother; and (4) the permanent plan is not in the best interest of the children.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the issues raised and the arguments presented, we hold that the family court did not: (1) abuse its discretion when it awarded permanent custody and established a permanent plan because (a) the record contained substantial evidence supporting the family court's findings of fact, conclusions of law, and determination that Mother is not willing and able to provide the children with a safe home, and (b) the family court did not disregard rules or principles of law or practice to mother's substantial detriment

¹(...continued)

of the record on appeal, the appellant shall file an opening brief, containing the following sections in the order here indicated:

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- (7) The argument, containing the contentions of the appellant on the points presented and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on. The argument may be preceded by a concise summary. Points not argued may be deemed waived.

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in rendering a decision five months after the trial and its decision to award custody did not clearly exceed the bounds of reason, see In re Doe, 95 Hawai'i 183, 20 P.3d 616 (2001); Hawai'i Revised Statutes (HRS) § 597-73 (Supp. 1999); (2) abuse its discretion when it denied Mother's motion for reconsideration; (3) clearly err when it found that DHS exerted reasonable and active efforts to reunify Mother with her children; and (4) clearly err when it determined that the permanent plan was in the best interest of the children. Therefore,

IT IS HEREBY ORDERED that the family court's orders from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, May 30, 2003.

On the briefs:

Jeffrey R. Buchli,
for mother-appellant

Catherine A. Kendrick and
Mary Anne Magnier,
Deputy Attorneys General,
for appellee Department
of Human Services