

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 24163

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Interest of JOHN DOE,  
Born on January 15, 1985, Minor-Appellee

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APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-J NO. 0049623)

SUMMARY DISPOSITION ORDER

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

The State of Hawai'i Department of Education (DOE) appeals from the January 22, 2001 order of the family court of the first circuit, the Honorable Karen M. Radius presiding, modifying a law violator decree against juvenile-appellee John Doe, and the February 27, 2001 order denying a motion for reconsideration of the January 22, 2001 order. On appeal, the DOE argues that: (1) the family court does not have subject matter jurisdiction to review DOE decisions concerning geographic exceptions or to review claims brought under the Individuals with Disabilities Education Act (IDEA); (2) even if the family court could confer subject matter jurisdiction on itself to review the DOE's geographic exception decisions, the family court used the wrong standard of review; and (3) HRS chapter 571 does not confer upon children who have been adjudicated as law violators special privileges that are not available to law abiding children. John Doe argues, inter alia,<sup>1</sup> that this appeal is moot. Acknowledging that this appeal is moot, the DOE contends that the issues on appeal fall under the capable of repetition yet evading review

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<sup>1</sup> John Doe argues in the alternative that (1) there was substantial evidence supporting the family court's findings of fact and conclusions of law, and (2) it was within the family court's wide discretion to order John Doe to complete the 2000-2001 school year at Moanalua High School.

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exception to the mootness doctrine.

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 (1) this appeal is moot, and (2) the DOE failed to establish that the issues in the instant case are exceptions to the mootness doctrine, inasmuch as the DOE failed to argue and show that the family court is likely to make future decisions concerning school attendance that conflict with DOE attendance decisions. See Okada Trucking Co., Ltd v. Board of Water Supply, 99 Hawai'i 191, 53 P.3d 799 (2002); State v. Fukusaku, 85 Hawai'i 462, 946 P.2d 32 (1997). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, October 24, 2003.

On the briefs:

Jay K. Goss and Mary Anne  
Magnier, Deputy Attorneys  
General, for appellant  
State of Hawai'i Department  
of Education

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Public Defender, for  
minor-appellee John Doe