

NO. 24578

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Interest of

JANE DOE, Born on June 1, 1999,
Minor.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 99-06397)

SUMMARY DISPOSITION ORDER

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

Mother appeals from an order of the Family Court of the First Circuit, the Honorable Kenneth E. Enright presiding, awarding permanent custody of Child to appellee, the Department of Human Services of the State of Hawai'i (DHS).¹ Mother contends that the family court: (1) clearly erred in making various findings of fact; (2) clearly erred in finding that the permanent plan was in the best interests of Child; and (3) abused its discretion in granting DHS's motion for permanent custody of Child.

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 clearly err in: (1) making findings of fact (FoF) 28, 51, 60, and 65;² (2) determining that Mother was not

¹ Default was entered against Father on September 27, 2000, and he is not a party to this appeal.

² FoF 28 reads, "A review hearing was held on April 28, 2000, and the court continued foster custody of the child to DHS and ordered the service plan dated April 18, 2000." FoF 51 reads, "Reasonable efforts included, but were not limited to, the provision of extensive case management by DHS social workers, the provision of psychological evaluations and treatment, the

(continued...)

able to provide a safe family home, even with the assistance of a service plan; (3) determining that Mother would not be able to provide a safe family home in a reasonable amount of time, even with the assistance of a service plan; and (4) determining that the permanent plan was in Child's best interest. Accordingly, because its findings of fact and conclusions of law are not clearly erroneous, we also hold that the family court's decision and order did not constitute an abuse of discretion. Therefore,

IT IS HEREBY ORDERED that the August 10, 2001 order awarding permanent custody and the August 24, 2001 order denying Mother's motion for reconsideration are affirmed.

DATED: Honolulu, Hawai'i, August 22, 2002.

On the briefs:

Jeffry R. Buchli,
for mother-appellant

Mary Ann Magnier,
Jay K. Goss, and
Christobel K. Kealoha,
Deputy Attorneys General,
for Department of Human
Services-Appellee

²(...continued)

services of a Public Health Nurse, regular visitation including structured visitation when necessary, and in-home counseling by Child and Family Service[]." FoF 60 reads, "Both DHS social worker Tracy Ober, MSW, who testified as an expert in the fields of social work and child protective services and Catherine Wilson, Outreach Worker for Child and Family Service were credible witnesses. Mother was not a credible witness." FoF 65 reads, "Mother's Motion for Reconsideration having failed to present any new evidence or argument, was denied at the hearing on August 24, 2001."