

NO. 25444

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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IN THE INTEREST OF DOE CHILDREN:

Jane Doe born May 14, 1990;  
John Doe born January 7, 1994; and  
Jane Doe born August 5, 1998.

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APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-S NO. 01-1-112)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama and Acoba, JJ.  
and Circuit Judge Simms, assigned by reason of vacancy)

Upon review of the record, it appears that the right to appeal the family court's May 22, 2002 order awarding foster custody was conditioned upon the filing of a motion for reconsideration of the order within twenty days after the order was entered. See HRS § 571-54; In the Interest of Jane Doe, 77 Hawai'i 109, 113, 883 P.2d 30, 34 (1994); In the Interest of Jane Doe, 3 Haw. App. 391, 394, 651 P.2d 492, 494 (1982). Appellant's motion for reconsideration of the May 22, 2002 order was filed on June 20, 2002, twenty-nine days after entry of the order and was untimely. Late receipt of a filed copy of the May 22, 2002 order did not affect the time for moving for reconsideration under HRS § 571-54. The twenty-day statutory deadline could not be waived. See HRAP 26(b). Thus, the jurisdictional requirement for

appealing the May 22, 2002 order was not met and we lack jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 27, 2003.