

**NOT FOR PUBLICATION**

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NO. 23896

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

IN THE INTEREST OF JANE DOE,  
Born on November 13, 1989

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-S NO. 96-013K)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe and Lim, JJ.)

On March 15, 1996, Jane Doe, born on November 13, 1989 (Jane), was taken into police protective custody and placed in a State of Hawai'i, Department of Human Services' (DHS) foster home. The father (Father) of Jane appeals from the March 23, 2000 "Order Awarding Permanent Custody and Establishing a Permanent Plan" (March 23, 2000 Order) entered by Judge William S. Chillingworth. This March 23, 2000 Order terminated Father's parental rights regarding Jane and placed Jane in the permanent custody of DHS with the goal of permanent placement or adoption.

On March 14, 2003, this court temporarily remanded the case to the Family Court of the Third Circuit and ordered the court to file supplemental findings of fact and conclusions of law on or before April 13, 2003. These findings of fact and conclusions of law (FsOF and CsOL) were filed on April 11, 2003.

This court permitted Father to request, within ten days after the clerk of the Hawai'i Supreme Court filed the supplemental record on appeal on April 23, 2003, permission to file an amended

opening brief. Father did not request permission to file an amended opening brief. Therefore, the FsOF and CsOL are the relevant facts in the case.

In this appeal, Father challenges the family court's decisions in the March 23, 2000 Order that:

- A Reasonable efforts are being made or have been made by DHS to make it possible for [Jane] to return to the family home;
- B [Jane's] family is not presently willing and able to provide [Jane] with a safe family home even with the assistance of a service plan;
- C It is not reasonably foreseeable that [Jane's] family will become willing and able to provide [Jane] with a safe family home even with the assistance of a service plan within a reasonable period of time[.]

In light of the FsOF, Father's challenges are without merit.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

IT IS HEREBY ORDERED that the March 23, 2000 "Order Awarding Permanent Custody and Establishing a Permanent Plan" from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, November 4, 2003.

On the briefs:

Stephanie St. John  
for Respondent-Appellant.

Chief Judge

Kurt A. Reinecke,  
Mary Anne Magnier, and  
Jay K. Goss,  
Deputy Attorneys General,  
for Petitioner-Appellee.

Associate Judge

Associate Judge