

NOT FOR PUBLICATION

NO. 25556

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

IN THE INTEREST OF JOHN DOE,
Born on December 22, 1995, a Minor

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S No. 00-06880)

SUMMARY DISPOSITION ORDER

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

Mother-Appellant (Mother) appeals from the following orders entered by the Family Court of the First Circuit (the family court), Judge Lillian Ramirez-Uy presiding: (1) Order Awarding Permanent Custody, filed on November 25, 2002, that divested Mother of her parental and custodial rights and duties in her son, John Doe, born on December 22, 1995, and appointed the Director of Human Services, State of Hawai'i, as the permanent custodian of John Doe; and (2) Orders Concerning Child Protective Act, filed on December 17, 2002, that denied Mother's December 4, 2002 Motion for Reconsideration of the Order Awarding Permanent Custody. The appeal was filed on December 27, 2002 and assigned to this court on August 21, 2003.

Mother raises two issues on appeal: (1) the State of Hawai'i, Department of Human Services (DHS), the Attorney General, and the family court itself completely ignored the family court's "own Minute Order of May 1, 2002 and the Orders

Concerning Child Protective Act filed May 21, 2002" and, therefore, the family court "could not with clear and convincing evidence find that Mother could not provide a safe family home merely six months after making the 'Minute Order' of May 1, 2002"; and (2) "[t]he findings and conclusions of law are clearly erroneous as they are in complete conflict with the 'Minute Order' and there is not substantial evidence supporting the family court's order of permanent custody."

Based on our review of the record on appeal, we disagree with Mother. Mother's first argument is premised on a fundamental misunderstanding of the purpose of the May 1, 2002 minute order and the May 21, 2002 order that followed it. Mother appears to believe that the most important thing about the minute order was that it established obligations on the part of DHS. However, the minute order merely continued the hearing on DHS's motion for permanent custody and expressed the family court's clear warning that this continuance was Mother's final chance to demonstrate her willingness and ability to provide a safe family home for John Doe.

Mother's second argument challenges the sufficiency of the evidence relied upon by the family court in entering its November 25, 2002 and December 17, 2002 orders. Based on our review of the record, and in light of the standard of review established by the Hawai'i Supreme Court in In re Doe, 95 Hawai'i 183, 196, 20 P.3d 616, 629 (2001), we disagree.

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Accordingly, we affirm the orders of the family court from which this appeal was taken.

DATED: Honolulu, Hawai'i, May 27, 2004.

On the briefs:

Joseph Dubiel for
mother-appellant.

David McCormick and
Mary Anne Magnier, deputy
attorneys general, State
of Hawai'i, for Department
of Human Services-appellee.