

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27710

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

HEATHER WHITFIELD OUTLAW, formerly known as
HEATHER O. KURPIS, Plaintiff-Appellee,
v.
PETER A. KURPIS, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 OCT 23 PM 10:54

FILED

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-D NO. 98-150K)

ORDER DENYING MOTION FOR RECONSIDERATION

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

A motion for reconsideration of this court's October 6, 2006 Summary Disposition Order was filed by Defendant-Appellant Peter A. Kurpis (Peter) on October 16, 2006. Upon consideration of the motion and record, we decide as follows:

In Maeda v. Maeda, 8 Haw. App. 139, 794 P.2d 268 (1990) this court affirmed the family court's order that "Father shall be awarded sole legal and physical custody of the parties' minor child, one (1) week prior to the departure by Mother to the mainland should Mother decide to move."

In the instant case, this court affirmed the family court's denial of Peter's request for an order that he be awarded custody of the children if Plaintiff-Appellee Heather O. Kurpis chooses to leave Hawai'i. In the September 2, 2005 Order on Defendant's Motion for Post-Decree Relief, the family court noted that "there does not appear to be any urgency to modify the existing custody orders in effect at this point."

The question is whether the family court abused its discretion in this case when it decided not to enter an order similar to the order entered by the family court in Maeda. When reviewing family court decisions for an abuse of discretion, it is well established that

[t]he family court possesses wide discretion in making its decisions and those decisions will not be set aside unless there is a manifest abuse of discretion. Under the abuse of discretion standard of review, the family court's decision will not be disturbed unless the family court disregarded rules or principles of law or practice to the substantial detriment of a party litigant and its decision clearly exceeded the bounds of reason.

In the Interest of Doe, 77 Hawai'i 109, 115, 883 P.2d 30, 36

(1994) (internal quotation marks, citations, brackets, and ellipsis omitted). In light of the applicable standard of review, our answer to the question presented is no. Therefore,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, October 23, 2006.


Chief Judge


Associate Judge


Associate Judge