

NO. 27991

IN THE INTERMEDIATE COURT OF APPEALS  
 OF THE STATE OF HAWAI'I  
 IN THE INTEREST OF N.C.

E.M. RIMANDO  
 CLERK, APPELLATE COURTS  
 STATE OF HAWAI'I

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APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
 (FC-S No. 05-10145)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding J., Foley, and Fujise, JJ.)

Father-Appellant (Father) appeals and Mother-Appellant (Mother) cross-appeals from: (1) the Order Awarding Permanent Custody and the Letters of Permanent Custody entered by the Family Court of the First Circuit (the family court)<sup>1</sup> on April 6, 2006<sup>2</sup> that terminated their parental and custodial rights over their child (N.C.) and awarded permanent custody of N.C. to Petitioner-Appellee Department of Human Services, State of Hawai'i (DHS); (2) the Orders Concerning Child Protective Act entered by the family court on May 10, 2006; and (3) the order entered by the family court on May 25, 2006 that denied their respective motions for reconsideration of the orders awarding permanent custody.

Father argues that the family court abused its discretion in granting DHS's Motion for Order Awarding Permanent Custody and Establishing a Permanent Plan because there was no clear and convincing evidence that Father could not reunify with

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<sup>1</sup> The Honorable Matthew J. Viola entered the April 6, 2006 Order Awarding Permanent Custody; the April 6, 2006 Letters of Permanent Custody; the May 10, 2006 Orders Concerning Child Protective Act; and the May 25, 2006 Order Denying the Motions for Reconsideration of the Orders Awarding Permanent Custody.

<sup>2</sup> Briefing in this case was completed on September 5, 2007 when Father-Appellant filed his Reply Brief.

N.C. The thrust of Father's appeal is that DHS was too quick to terminate Father's parental rights and the family court did not give Father enough time to work on his weaknesses and reunify with N.C.

Mother argues that the family court erred in finding and concluding that it is not reasonably foreseeable that she will become willing and able to provide N.C. with a safe family home, even with the assistance of a service plan, within a reasonable period of time not to exceed two years from the date upon which N.C. was first placed in foster custody by the court.

The Hawai'i Supreme Court has stated that "the family court is given much leeway in its examination of the reports concerning a child's care, custody, and welfare, and its conclusions in this regard, if supported by the record and not clearly erroneous, must stand on appeal." In re Doe, 101 Hawai'i 220, 227, 65 P.3d 167, 174 (2003) (brackets and internal quotation marks omitted). Moreover, in appeals concerning family court decisions to terminate parental rights,

the question on appeal is whether the record contains "substantial evidence" supporting the family court's determinations, and appellate review is thereby limited to assessing whether those determinations are supported by "credible evidence of sufficient quality and probative value." In this regard, the testimony of a single witness, if found by the trier of fact to have been credible, will suffice.

In re Doe, 95 Hawai'i 183, 196, 20 P.3d 616, 629 (2001)  
(citations omitted).

After a careful review of the record on appeal and the briefs submitted by the parties, and having duly considered the issues and arguments raised on appeal, as well as the statutory and case law relevant to the issues raised on appeal, we conclude that there is substantial evidence in the record to support the orders of the family court that Father and Mother have appealed. Accordingly,

IT IS HEREBY ORDERED that the following are affirmed:

(1) the Order Awarding Permanent Custody entered on April 6, 2006; (2) the Letters of Permanent Custody entered on April 6, 2006; (3) the Orders Concerning Child Protective Act entered on May 10, 2006; and (4) the May 25, 2006 "Order Denying:

(1) [Father's] Motion for Reconsideration of Order Awarding Permanent Custody Filed on April 6, 2006; and (2) [Mother's] Motion for Reconsideration of Permanent Custody Orders[.]"

DATED: Honolulu, Hawai'i, January 31, 2008.

On the briefs:

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for mother-appellant.

Dean T. Nagamine  
for father-appellant.

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