

NO. 26965

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRISTIAN DAYLE TAGUINOD, Petitioner,

vs.

HONORABLE ELIZABETH A. STRANCE, Presiding Per Diem
Judge of the Family Court of the Third Circuit,
DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAI'I,
ANGELA MAY HIGASHI, and COLBURN NAEHU, Respondents.

ORIGINAL PROCEEDING
(FC-S NO. 04-0094K)

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of: (1) Petitioner Christian Dayle Taguinod's petition for a writ of mandamus directed to the presiding per diem judge of the Family Court of the Third Circuit in In the Interest of John Doe (DOB 9/24/95), FC-S 04-0094K, the papers in support and opposition; and (2) the motion to supplement the record and to dismiss the case filed by Respondent Department of Human Services, State of Hawai'i, the papers in support and opposition, it appears: (1) in the petition, Petitioner seeks a ruling that the family court erred when the court concluded Petitioner was not a party to the underlying family court proceeding concerning Petitioner's son and a ruling directing the family court to award custody of the boy to Petitioner and terminate the family court proceeding; (2) Respondent Department of Human Services agrees and does not contest Petitioner's assertion that the family court erred when

it concluded Petitioner was not a party to the proceeding, see HRS §§ 587-2 and 587-32(a); (3) Petitioner was awarded custody of his son, and on January 23, 2005, the family court issued an order terminating family court jurisdiction; and (4) Petitioner has obtained the relief requested. Therefore,

IT IS HEREBY ORDERED that:

1. The motion to supplement the record with the Order Terminating Family Court Jurisdiction is granted.

2. The petition for a writ of mandamus is dismissed.

DATED: Honolulu, Hawai'i, March 9, 2005.

Elizabeth B. Croom
for petitioner on
the writ

John P. Powell,
Deputy Attorney General,
for respondent Department
of Human Services, State
of Hawai'i on the motion