

NO. 27586

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE INTEREST OF J.L.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 03-09340)

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 JUL -5 PM 2:02

FILED

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, and Nakayama, JJ.
and Acoba, J., dissenting with whom Duffy, J., joins)

Upon consideration of the motion for reconsideration of the May 30, 2006 order dismissing appeal, the papers in support and the record, it appears that the award of permanent custody was not based on appellant's default at the permanent custody hearing, but was based on the family court's determination that the criteria of HRS § 587-73(a) was established by clear and convincing evidence. Absent a valid appeal of the award of permanent custody, the matter of appellant's default is moot. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, July 5, 2006.

[Signature]

Steven H. Levinson

Paula C. Nakayama