

**NOT FOR PUBLICATION**

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NOS. 25957, 25958, 25959, and 25960

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

NO. 25957

IN THE INTEREST OF JANE DOE, Born on August 18, 1998, a Minor  
(FC-S No. 02-08075)

NO. 25958

IN THE INTEREST OF DOE CHILDREN:  
JOHN, Born on July 23, 1985,  
JANE, Born on April 3, 1988, and  
JOHN, Born on February 2, 1994, Minors  
(FC-S No. 96-04541)

NO. 25959

IN THE INTEREST OF JOHN DOE, Born on October 22, 1996, a Minor  
(FC-S No. 96-04536)

AND

NO. 25960

IN THE INTEREST OF JOHN DOE, Born on July 12, 1995, a Minor.  
(FC-S No. 95-04056)

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT

SUMMARY DISPOSITION ORDER

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

This appeal is a consolidation of the appeals filed in four family court cases. The four family court cases, the six children (collectively, the Children) involved in those cases, and the case numbers of the four appeals are as follows:

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<u>FC-S No.</u>	<u>Child</u>	<u>Date of Birth</u>	<u>Appeal No.</u>
96-04541	John Doe Jane Doe John Doe	July 23, 1985 April 3, 1988 February 2, 1994	25958
95-04056	John Doe	July 12, 1995	25960
96-04536	John Doe	October 22, 1996	25959
02-08075	Jane Doe	August 18, 1998	25957

In January 2002, the mother (Mother) of the Children left them with their adult half-brother. Mother did not want to care for the Children. The father (Father) of the Children was incarcerated.

All family court hearings were consolidated hearings. The trial was a consolidated trial. All documents subsequently referred to in this opinion were filed in each of the four family court cases.

On February 26, 2002, the State of Hawai'i Department of Human Services (DHS) filed a petition for temporary foster custody. On October 11, 2002, DHS filed a motion for permanent custody pursuant to Hawaii Revised Statutes (HRS) § 571-61 (1993). On January 23, 2003, the court appointed an attorney for Father pursuant to HRS § 802-5 (1993).

On May 9, 2003, after a trial on May 7, 2003, the court<sup>1</sup> entered an Order Awarding Permanent Custody that divested Mother's and Father's parental and custodial duties and rights

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<sup>1</sup> The Honorable Marilyn Carlsmith presided.

regarding the Children, appointed the State of Hawai'i Director of Human Services as permanent custodian of the Children, and ordered compliance with the May 5, 2003 Permanent Plan. The court also entered Letters of Permanent Custody.

On May 27, 2003, Father moved for reconsideration. On June 10, 2003, the court entered its Order Concerning Child Protective Act, denying Father's motion for reconsideration. On July 9, 2003, Father filed a notice of appeal. On July 31, 2003, the family court entered its Findings of Fact and Conclusions of Law (FsOF and CsOL). This appeal was assigned to this court on March 17, 2004.

In this appeal, Father challenges various FsOF and CsOL. In essence, Father's appeal is based on his contention that "Father was not given a reasonable opportunity to reunify with the children."

Father does not challenge FOF no. 79 which states, in relevant part, that "Father tested positive for methamphetamine on February 3, 2003." Similarly, he does not challenge the following FsOF:

- 83. Father's lifestyle and history show that he is unable to cooperate with DHS to reunify with the [Children] and to provide a safe family home for them.
- 84. It is quite evident that despite the efforts made both by DHS and the Probation Department, Father has no desire to complete any of the ordered services needed to establish himself as an appropriate parent.
- . . . .
- 95. Father's testimony at trial was not credible. Father did not take any responsibility for the problems in his life or

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the problems imposed upon his [Children]. Father desires to reunify with the [Children] because he needs them; Father does not have the [Children's] best interest at heart.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

IT IS HEREBY ORDERED that the May 9, 2003 Order Awarding Permanent Custody and the May 9, 2003 Letters of Permanent Custody entered in each of the four family court cases listed above are affirmed.

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

On the briefs:

Kevin S. Adaniya,  
for Father-Appellant

Chief Judge

Angela Correa-Pei,  
Jay K. Goss, and  
Mary Anne Magnier,  
Deputy Attorneys General,  
for Petitioner-Appellee

Associate Judge

Associate Judge