

NO. 27587

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

IN THE INTEREST OF DOE CHILDREN:  
A. M. and P. M.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-S No. 00-06737)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding J., Lim, and Nakamura, JJ.)

In this termination-of-parental-rights case, Father-Appellant (Father) and Mother-Appellant (Mother) (collectively, Parents) appeal from the following: (1) orders concerning the Child Protective Act, entered by the Family Court of the First Circuit (the family court)<sup>1</sup> on October 21, 2005; (2) amended order awarding permanent custody, filed on November 4, 2005; and (3) amended letters of permanent custody, filed on November 4, 2005. The orders divested Parents of their parental and custodial rights to their children, A. M. and P. M. (collectively, Children), and awarded permanent custody to the Department of Human Services, State of Hawai'i-Appellee (DHS).

The opening brief of Father, appealing *pro se*, is very difficult to understand. However, he clearly demands the immediate return of Children. Mother argues that: (1) the family court failed to issue any findings of fact and conclusions of law; (2) the family court should have dismissed the case

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<sup>1</sup> The Honorable Lillian Ramirez-Uy presided.

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because "the actions of DHS violated her 1st, 4th, 5th, 6th, 8th, and 14th amendment rights[;]" (3) this case should have been dismissed because DHS witnesses stated that there was no immediate or due harm regarding Parents' care of Children; (4) because Mother had obtained her own therapist, the family court erroneously concluded that it was not reasonably foreseeable that Mother could not provide Children with a safe family home; (5) Mother should have been given additional time to fulfill the service plan because she has demonstrated that she cares for Children; and (6) the case should have been dismissed because DHS workers were biased against Parents.

We resolve Parents' arguments as follows:

(1) Although the family court did not enter a separate document entitled, "Findings of Fact and Conclusions of Law," the family court's amended order awarding permanent custody, filed on November 4, 2005, does contain findings of fact and conclusions of law that meet the requirements of Hawai'i Family Court Rules Rule 52(a).<sup>2</sup>

(2) While Mother contends that her constitutional rights have been violated, she fails to: (a) explain how these violations occurred, (b) present any discernible argument, or (c) cite any authorities, statutes, or parts of the record relied on to support her argument. Pursuant to Hawai'i Rules of

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<sup>2</sup> Hawai'i Family Court Rules Rule 52(a) provides, in relevant part: "[U]pon notice of appeal filed with the court, the court shall enter its findings of fact and conclusions of law where none have been entered, unless the written decision of the court contains findings of fact and conclusions of law."

Appellate Procedure Rule 28(b)(7), we deem the argument to be waived.

(3) With respect to the remaining arguments raised by Parents, we observe that 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 quotation marks omitted). Moreover, in appeals involving family court decisions that terminate parental and custodial 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) (citation omitted). An appellate court will not disturb the family court's decisions regarding the placement of dependent children "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 re Doe, 101 Hawai'i at 227, 65 P.3d at 174 (brackets, ellipsis, and quotation marks omitted).

Upon careful review of the extensive record, the briefs submitted by the parties, and the statutory and case law relevant to the issues on appeal, and having duly considered the arguments

and issues raised by the parties in light of the standards discussed above, we conclude that there is substantial evidence in the record to support the family court's orders. We also conclude that the family court did not abuse its discretion in terminating Parents' parental and custodial rights to Children and awarding permanent custody to DHS.

Accordingly, we affirm the family court's orders challenged by Parents on appeal.


DATED: Honolulu, Hawai'i, October 11, 2006.

On the briefs:

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father-appellant, *pro se*.

Edward J.S.F. Smith  
for mother-appellant.

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