

NO. 28021

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

IN THE INTEREST OF J. T.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S No. 04-10049)

EMERSON
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 MAY 24 AM 9:52

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SUMMARY DISPOSITION ORDER

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

Mother-Appellant (Mother) appeals from: (1) the Order Awarding Permanent Custody entered by the Family Court of the First Circuit (the family court) on April 18, 2006, which awarded permanent custody of her child, J. T., to the State of Hawai'i, Department of Human Services (DHS); and (2) the Orders Concerning Child Protective Act entered by the family court on June 8, 2006, which denied Mother's motion for reconsideration of the Order Awarding Permanent Custody.

Mother contends that: (1) she was denied a reasonable period of time to complete a service plan to assist her in providing a safe family home for J.T.; (2) DHS failed to establish that she was unable to provide J.T. a safe family home within a reasonable period of time; and (3) DHS's failure to obtain a psychological evaluation of J.T.'s half-sister, who babysat J.T. after school, precluded the family court from finding that the permanent plan was in J.T.'s best interest.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the issues raised, the arguments presented, and the statutory and case law on the issues presented, we disagree with Mother. Accordingly, we affirm the April 18, 2006 Order Awarding Permanent Custody and the June 8, 2006 Orders Concerning Child Protective Act.

DATED: Honolulu, Hawai'i, May 24, 2007.

On the briefs:

Herbert Y. Hamada
for mother-appellant.

Kurt J. Shimamoto and
Mary Anne Magnier,
deputy attorneys general,
State of Hawai'i,
for petitioner-appellee,
cross-appellee Department
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