

NO. 23543

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE INTEREST OF DOE CHILDREN:

Jane Doe, Born on November 19, 1983

Jane Doe, Born on November 2, 1985

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 98-05251)

SUMMARY DISPOSITION ORDER

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

Appellant-Father appeals from the family court's April 25, 2000 Order Concerning Child Protective Act and the family court's May 25, 2000 order denying Father's motion for reconsideration, the Honorable Bode A. Uale presiding.¹ On appeal, Father contends the family court: (1) violated his constitutional right to freely exercise his religion by barring him from attending a particular branch of his church if Jane Doe, born on November 2, 1985, was present; (2) violated Jane Doe's constitutional right to freely exercise her religion by prohibiting her from attending church on Tuesdays, unless her grades improved, and from attending her church if her parents were present; and (3) violated his constitutional right to freely

¹ Mother originally filed a Notice of Appeal on July 25, 2000. On November 24, 2000, she subsequently filed a stipulation to dismiss her appeal which was approved and so ordered.

exercise his religion by requiring that he engage in DHS-recommended sexual abuse/offender counseling with the Catholic Charities Child Sexual Abuse Treatment Program (CSATP). Father further contends that the family court erred by denying his motion for reconsideration.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and issues raised, we hold as follows: (1) the family court did not violate Father's constitutional right to freely exercise his religion by barring him from attending a particular branch of his church if Jane Doe was present because Father was free to attend other branches of his church and the state had a compelling interest in issuing the restraining order, see Dedman v. Board of Land and Natural Resources, 69 Hawai'i 255, 740 P.2d 28 (1987); (2) the family court did not violate Jane Doe's constitutional right to freely exercise her religion by making her Tuesday night church attendance contingent on improving her grades and by prohibiting her from attending a particular branch of her church if her parents were there, see id.; Walker v. Johnson, 891 F. Supp. 1040 (M.D. Pa. 1995); and (3) the family court did not err by denying Father's motion for reconsideration. Additionally, this court holds that Father waived his right to appeal the family court's order requiring Father to engage in DHS-recommended sexual abuse/offender counseling with the Catholic Charities CSATP,

because he did not object to the order at the time it was issued, did not file a motion for reconsideration, and did not file a notice of appeal within the 30 days required by statute. See Hawai'i Family Court Rules (HFCR) Rules 59(e), 72(a), and 72(b).

IT IS HEREBY ORDERED that the family court's April 25, 2000 order concerning the Child Protective Act and the family court's May 25, 2000 order denying Father's motion for reconsideration are affirmed.

DATED: Honolulu, Hawai'i, January 22, 2002.

On the briefs:

Glenn D. Choy
for father-appellant

David McCormick,
Deputy Attorney General,
for Department of Human
Services-appellee

Kimberly S. Towler for
Guardian Ad Litem-appellee