

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28218

IN THE INTERMEDIATE COURT OF APPEALS
 OF THE STATE OF HAWAII
 IN THE INTEREST OF R.G.B.

K. HANAKADO
 CLERK, APPELLATE COURTS
 STATE OF HAWAII

2007 JAN 12 AM 7:48

FILED

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
 (FC-S NO. 01-0063)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Mother-Appellant's appeal from the Honorable Ben H. Gaddis's September 28, 2006 oral announcement denying Mother-Appellant's motion under Rule 60(b) of the Hawaii Family Court Rules (HFCR) for relief from the March 11, 2005 findings of fact, conclusions of law, and order awarding permanent custody of Mother-Appellant's child to Petitioner-Appellee Department of Human Services, because the family court has not reduced the September 28, 2006 oral announcement to an appealable written order.

Hawaii Revised Statutes (HRS) § 571-54 (Supp. 2006) (as amended through 2006 Haw. Sess. Laws Act 3) governs the Intermediate Court of Appeals' jurisdiction over Mother-Appellant's appeal. Under HRS § 571-54, "appeals in family court cases, as in other civil cases, may be taken only from (1) a final judgment, order, or decree, . . . or (2) a certified


interlocutory order." In re Doe, 96 Hawai'i 272, 283, 30 P.3d 878, 889 (2001) (citations omitted). More specifically, "[a]n interested party aggrieved by any order or decree of the court may appeal to the intermediate appellate court for review of questions of law and fact upon the same terms and conditions as in other cases in the circuit court[.]" HRS § 571-54 (Supp. 2006). In circuit court cases, aggrieved parties may appeal from "final judgments, orders or decrees[.]" HRS § 641-1(a) (Supp. 2006). Furthermore, "[a] post-judgment order is an appealable final order under HRS § 641-1(a) if the order finally determines the post-judgment proceeding." Hall v. Hall, 96 Hawai'i 105, 111 n.4, 26 P.3d 594, 600 n.4 (App. 2001) (citation omitted), affirmed in part, and vacated in part on other grounds, Hall v. Hall, 95 Hawai'i 318, 22 P.3d 965 (2001).

Although Mother-Appellant is attempting to appeal from the family court's September 28, 2006 oral announcement that the family court was denying Mother-Appellant's post-judgment motion under HFCR Rule 60(b) for relief from the March 11, 2005 findings of fact, conclusions of law, and order, the family court has not entered a written order that reflects the family court's September 28, 2006 oral announcement. The court minutes appear to reflect the family court's September 28, 2006 oral announcement, but the supreme court has specifically noted that "a minute order is not an appealable order." Abrams v. Cades,

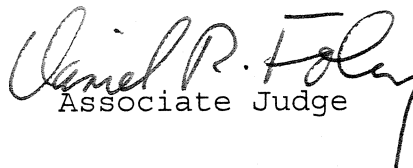
Schutte, Fleming & Wright, 88 Hawai'i 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998) (emphasis added). Therefore, the record does not contain an appealable final order from the post-judgment proceeding for Mother-Appellant's HFCR Rule 60(b) motion for relief. Absent an appealable post-judgment order, we lack jurisdiction over this case. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 12, 2007.


Chief Judge


Associate Judge


Associate Judge