

NO. 24259

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Interest of DOE CHILDREN,  
JOHN DOE, Born on August 20, 1997, and  
JANE DOE, Born on February 2, 1999.

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APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-S NO. 99-05805)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, and Nakayama, JJ.,  
Intermediate Court of Appeals Chief Judge Burns, in place of  
Acoba J., who is unavailable, and Intermediate Court of Appeals  
Judge Watanabe, assigned by reason of vacancy.)

The respondent-appellant natural mother (Mother) appeals from (1) the order awarding permanent custody, filed on February 27, 2001, and (2) orders concerning child protective act, filed on April 12, 2001, by the family court of the first circuit, the Honorable Lillian Ramirez-Uy presiding. On appeal, Mother's sole point of error is that the family court erred in granting DHS's motion for an order awarding permanent custody and establishing a permanent plan [hereinafter, "motion for permanent custody"] or, in the alternative, in refusing to grant Mother additional time to comply with DHS's court-ordered service plan.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we affirm the judgment of the family court. Inasmuch as Mother failed to include the transcript of the January 29, 2001 hearing in the record on appeal, we have no basis upon which to review the family court's (1) order granting DHS's motion for permanent custody or (2) orders concerning child protective act. See

Hawai'i Rules of Appellate Procedure (HRAP) Rule 10(b)(1)(A) ("When an appellant desires to raise any point on appeal that requires consideration of the oral proceedings before the court . . . appealed from, the appellant shall file with the clerk of the court appealed from, . . . , a request or requests to prepare a reporter's transcript of such parts of the proceedings as the appellant deems necessary . . . ."); Bettencourt v. Bettencourt, 80 Hawai'i 225, 230-31, 909 P.2d 553, 558-59 (1995); Orso v. City and County of Honolulu, 55 Haw. 37, 38, 514 P.2d 859, 860 (1973); Tradewinds Hotel, Inc. v. Cochran, 8 Haw. App. 256, 266, 799 P.2d 60, 66 (1990). Moreover, we note that Mother did not challenge any of the family court's findings of fact and conclusions of law in her opening brief. See HRAP Rules 28(b)(4)(C) ("[T]he appellant shall file an opening brief, containing . . . [a] concise statement of the points of error set forth in separately numbered paragraphs. . . . Where applicable, each point shall also include the following: . . . (C) when the point involves a finding . . . of the court . . . , a quotation of the finding . . . urged as error[.] . . . Points not presented in accordance with this section will be disregarded[.]"). Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, April 30, 2003.

On the briefs:

Edward J.S.F. Smith,  
for the respondent-appellant,  
Mother

Susan Barr Brandon,  
deputy attorney general (DAG),  
Mary Anne Magnier (DAG),  
for the petitioner-appellee  
Department of Human Services