

*** NOT FOR PUBLICATION ***

NO. 27586

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLM. RICHMOND
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 MAY 30 AM 10:52

FILED

IN THE INTEREST OF J.L.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 03-09340)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

Upon review of the record, it appears that the right to appeal the August 31, 2005 order awarding permanent custody was conditioned upon the filing of a motion for reconsideration of the order within twenty days after the order was entered. See HRS § 571-54; In the Interest of Jane Doe, 77 Hawai'i 109, 113, 883 P.2d 30, 34 (1994); In the Interest of Jane Doe, 3 Haw. App. 391, 394, 651 P.2d 492, 494 (1982). The motion for reconsideration filed by appellant on September 26, 2005, if treated as a motion for reconsideration of the August 31, 2005 order, was not filed within twenty days after August 31, 2005 and did not meet the jurisdictional requirement for appealing the August 31, 2005 order. The twenty-day statutory deadline of HRS § 571-54 could not be waived. See HRAP 26(b). The motion to set aside default filed by appellant on August 17, 2005 did not seek to set aside the oral decision awarding permanent custody and was not a motion for reconsideration of the permanent custody award.

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

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Thus, the jurisdictional requirement for appealing the August 31, 2005 permanent custody order was not met and we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, May 30, 2006.

FOR THE COURT:

P. W. C. ...

Associate Justice

