

*** NOT FOR PUBLICATION ***

NO. 27814

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Interest of R.G.B.

CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

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

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

Upon review of the record, it appears that we lack jurisdiction over Mother-Appellant's appeal from the March 11, 2005 findings of fact, conclusions of law, and order. Under HRS § 571-54 (1993), "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). The March 11, 2005 findings of fact, conclusions of law, and order was not, by itself, an appealable final order under HRS § 571-54 (1993). "By the plain language of the statute, a party desiring to appeal from an order entered in a proceeding governed by HRS § 571-54 is required to file a motion for reconsideration." In re Doe Children, 94 Hawai'i 485, 486, 17 P.3d 217, 218 (2001). "Thus, there is no appealable order until the family court resolves the motion for reconsideration." Id.

Mother-Appellant did not file a motion for reconsideration within twenty days after entry of the March 11, 2005 findings of fact, conclusions of law, and order, as HRS § 571-54 (1993) required. Therefore, Mother-Appellant failed to perfect her right to assert an appeal under HRS § 571-54 (1993), and there is no appealable order. Absent an appealable order, we

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

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lack jurisdiction over this case. Accordingly,

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

DATED: Honolulu, Hawai'i, June 28, 2006.

FOR THE COURT:

Aunā C. Rakuyama
Associate Justice

