

NO. 30435

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

IN THE INTEREST OF MM, MINOR

APPEAL FROM THE FAMILY COURT OF THE FIFTH CIRCUIT
(FC-S NO. 08-00693)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Foley and Fujise, JJ.)

Appellant Mother (Mother) and Cross-Appellant Father (Father) (collectively, parents) appeal from the Decision and Order Terminating the Parental Rights of [Father] and [Mother] and Awarding Permanent Custody filed on March 15, 2010 in the Family Court of the Fifth Circuit (family court).¹

On appeal, Mother contends her service plan did not include treatment for her mental illness, which she characterizes as "attention deficit, schizotypal personality disorder, and paranoid personality disorder," and therefore the plan was insufficient to provide a reasonable opportunity to Mother and Father to reunify the family. Mother also contends that because she was not treated for her mental illness, there is not clear and convincing evidence that, with appropriate treatment, she

¹ The Honorable Calvin K. Murashige presided.

would not have been able to provide a safe home for her child, MM.

On appeal, Father contends the family court erred by finding that he was unwilling and unable to provide a safe family home for MM because the court's finding was based on the failure of the State of Hawai'i Department of Human Services (DHS) to provide him with a reasonable opportunity to become a safe parent. Father also contends DHS failed to provide him with treatment for his Post-Traumatic Stress Disorder (PTSD), did not refer him to a community mental health setting on another island, and did not attempt a hanai arrangement or other form of legal guardianship.

Upon careful review of 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, as well as the relevant statutory and case law, we conclude this appeal is without merit.

Therefore,

IT IS HEREBY ORDERED that the Decision and Order Terminating the Parental Rights of [Father] and [Mother] and Awarding Permanent Custody filed on March 15, 2010 in the Family Court of the Fifth Circuit is affirmed.

DATED: Honolulu, Hawai'i, February 25, 2011.

On the briefs:

Charles A. Foster
for Mother-Appellant.

Chief Judge

Herbert Y. Hamada
for Father-Cross-Appellant.

Girard D. Lau,
Acting Solicitor General,
Kimberly Tsumoto Guidry and
Deirdre Marie-Iha,
Deputy Solicitors General,
for Appellee Department
of Human Services.

Associate Judge

Associate Judge