

NO. CAAP-16-0000021

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

IN THE INTEREST OF JE

APPEAL FROM THE FAMILY COURT OF THE FIFTH CIRCUIT
(FC-J NO. 0103122)

ORDER GRANTING IN PART STATE OF HAWAI'I'S FEBRUARY 26, 2018
MOTION FOR RECONSIDERATION AND VACATING THE
FEBRUARY 16, 2018 SUMMARY DISPOSITION ORDER OF THE COURT
(By: Fujise, Acting C.J., and Ginoza, J.,
with Leonard, J., concurring and dissenting)

Upon consideration of the February 26, 2018
"Petitioner-Appellee State of Hawaii's motion for
Reconsideration," (Motion) and the record, it appears that (1)
the February 16, 2018 Summary Disposition Order vacated the
December 14, 2015 Family Court of the Fifth Circuit's Decision
and Order Regarding Restitution Hearing (Order); (2) the Order
imposed restitution upon JE or his Mother; (3) the Family Court
is authorized, independent of Hawaii Revised Statutes (HRS)
§ 571-48(11) regarding imposition of restitution on an
adjudicated minor, to impose restitution under HRS § 571-48(13)
upon parents of an adjudicated minor for loss or damages
resulting from their child's actions; and (4) Mother did not
appeal from the Order, see In re TC, 121 Hawai'i 92, 104-05, 214
P.3d 1082, 1094-95 (App. 2009) (holding parents have standing and

specifically have a right, *inter alia*, to appeal from HRS § 571-11(1) proceedings).

Therefore, IT IS HEREBY ORDERED that the Motion is granted in part: The December 14, 2015 Decision and Order Regarding Restitution hearing will be reversed as to JE.

IT IS FURTHER ORDERED that the February 16, 2018 Summary Disposition Order is vacated and a new order shall be entered.

DATED: Honolulu, Hawai'i, March 7, 2018.

On the motion:

Tracy Murakami,
Deputy Prosecuting Attorney,
County of Kauai,
for Petitioner-Appellee.

Acting Chief Judge

Associate Judge