

**Electronically Filed
Intermediate Court of Appeals
CAAP-21-0000345
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NO. CAAP-21-0000345

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RT, Plaintiff-Appellant, v.
JG, Defendant-Appellee

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(UCCJEA NO. 19-1-6010)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Ginoza, Chief Judge, Fujise and Wadsworth, JJ.)

Upon consideration of the July 12, 2021 "Motion to Dismiss for Lack of Appellate Jurisdiction" (**Motion to Dismiss**), by Defendant-Appellee JG (**Mother**), the papers in support, the record, and there being no opposition, it appears that the court lacks jurisdiction over the appeal by self-represented Plaintiff-Appellant RT (**Father**) because the Family Court of the First Circuit (**family court**) has not entered a final, appealable judgment or order.

The underlying proceedings were initiated by a "Motion and Declaration for Post-Decree Relief" filed by Father on May 29, 2019, in which he seeks, *inter alia*, modification of custody, visitation, and child support. "A post-judgment order is an appealable final order under HRS § 641-1(a) if the order finally determines the post-judgment proceeding." Hall v. Hall, 96 Hawai'i 105, 111 n.4, 26 P.3d 594, 600 n.4 (App. 2001) (citation omitted), affirmed in part, and vacated in part on other grounds, Hall v. Hall, 95 Hawai'i 318, 22 P.3d 965 (2001). In addition, the underlying case is a proceeding under the Uniform Child-Custody Jurisdiction and Enforcement Act (**UCCJEA**).

HRS § 583A-314 (2006) states in part, "[a]n appeal may be taken from a final order in a proceeding under [the UCCJEA] in accordance with expedited appellate procedures as in other civil cases."

The notice of appeal indicates Father appeals from an order entered by the family court on May 20, 2021, but there is no written or verbal order in the record for that date. Also, the family court's May 3, 2021 "Order Re: [Mother's] [March 4, 2021] Motion to Change Family Therapist and for Father to Attend Individual Therapy" and May 11, 2021 "Order Re: Mother's Motion for Relocation and to Order [Father] to Remove Recorded Court Proceeding from YouTube, filed May 4, 2021" are not final and appealable because they do not finally determine the post-judgment proceedings pending in the family court.

Because Father's appeal is premature, we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss is granted and the appeal is dismissed for lack of appellate jurisdiction.

IT IS FURTHER ORDERED that all pending motions in CAAP-21-0000345 are dismissed.

DATED: Honolulu, Hawai'i, August 18, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Alexa D.M. Fujise
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge