

NO. CAAP-21-0000509

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

IN THE INTEREST OF LI

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 18-00034)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Leonard, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon review of the record, it appears that we lack jurisdiction over the appeal by Mother-Appellant/Cross-Appellee (**Mother**) and cross-appeal by Aunt/Intervenor/Appellee/Cross-Appellant (**Aunt**) from the Family Court of the First Circuit's (**family court**) September 2, 2021 Orders Concerning Child Protective Act (**Orders**), because the family court has not entered a final, appealable order or judgment, and the Orders are not independently appealable.

In general, appeals in family court cases, as in other civil cases, may be taken only from (1) a final judgment, order, or decree, see Hawaii Revised Statutes (**HRS**) §§ 571-54 (2018), 641-1(a) (2016), or (2) a certified interlocutory order. See HRS § 641-1(b) (2016). The very nature of a family court chapter 587 proceeding entails "an on-going case which does not result in a 'final' order, as that term is generally defined[,]" In re Doe, 77 Hawai'i 109, 114, 883 P.2d 30, 35 (1994) (citation omitted), because, under HRS chapter 587, the family court retains continuing jurisdiction over the case to prevent future harm or threatened harm to a child. Thus, in such family court cases,

the court considers whether the particular order appealed from contains a sufficient "degree of finality" to establish appellate jurisdiction. Id. at 115, 883 P.2d at 36. A "final order" means an order ending the proceeding, leaving nothing further to be accomplished. Familian Nw., Inc. v. Cent. Pac. Boiler & Piping, Ltd., 68 Haw. 368, 370, 714 P.2d 936, 937 (1986).

Here, it appears that the Orders do not contain a sufficient degree of finality to establish appellate jurisdiction because although they find that it is in LI's best interest to be adopted by the resource caregiver (**RCG**) and not Aunt, they do not finalize adoption of LI by RCG, and they set a permanency hearing for September 29, 2021 and order Petitioner-Appellee/Cross-Appellee Department of Human Services and the guardian ad litem to submit reports, among other things. Further, it appears that the Orders are not appealable under the collateral-order doctrine because they do not fully resolve a matter completely separate from the main issue, and Mother may appeal, and Aunt may cross-appeal, from the Orders once the family court enters a final, appealable permanency order or judgment. See Greer v. Baker, 137 Hawai'i 249, 254, 369 P.3d 832, 837 (2016) (setting forth the requirements for appealability under the collateral-order doctrine).

Therefore, IT IS HEREBY ORDERED that the appeal in CAAP-21-0000509 is dismissed.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, November 24, 2021.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge