

NO. CAAP-21-0000524

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

IN THE MATTER OF ADOPTION OF LI

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-A NO. 21-1-6112)

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 Aunt-Intervenor-Appellant (**Aunt**) from the Family Court of the First Circuit's (**family court**) September 10, 2021 Findings and Order Setting Further Hearing (**Order**), because the family court has not entered a final, appealable order or judgment, and the Order is 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 Order does not contain a sufficient degree of finality to establish appellate jurisdiction because although it finds that it is in LI's best interest to be adopted by Resource Caregiver-Petitioner-Appellee (**RCG**) and schedules an adoption hearing for September 29, 2021, it does not finalize adoption of LI by RCG. Further, it appears that the Order is not appealable under the collateral-order doctrine because it does not fully resolve a matter completely separate from the main issue, and Aunt may appeal from the Order once the family court enters a final, appealable order or judgment granting a petition for adoption by RCG. 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-21-0000524 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