

NOS. CAAP-21-0000509, CAAP-21-0000521, CAAP-21-0000522,
CAAP-21-0000523, AND CAAP-21-0000524

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NO. CAAP-21-0000509
IN THE INTEREST OF LI
(FC-S NO. 18-00034)

NO. CAAP-21-0000521
IN THE MATTER OF THE GUARDIANSHIP OF LI
(FC-G NO. 18-1-6221)

NO. CAAP-21-0000522
IN THE MATTER OF THE GUARDIANSHIP OF LI
(FC-G NO. 20-1-6243)

NO. CAAP-21-0000523
IN THE MATTER OF ADOPTION OF LI
(FC-A NO. 20-1-6175)

NO. CAAP-21-0000524
IN THE MATTER OF ADOPTION OF LI
(FC-A NO. 21-1-6112)

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT

ORDER

(By: Leonard, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of the respective motions to
reconsider:

(1) the November 24, 2021 Order Dismissing Appeal for
Lack of Appellate Jurisdiction, in In re LI, CAAP-21-0000509

(**Order Dismissing CAAP-21-0000509**), filed on December 1, 2021, by Resource Caregiver/Appellee (**RCG**) in CAAP-21-0000509 and CAAP-21-0000521, and Mother-Appellant/Cross-Appellee (**Mother**) in CAAP-21-0000509, and on December 2, 2021, by Aunt/Intervenor/Appellee/Cross-Appellant (**Aunt**) and Guardian Ad Litem-Appellee (**GAL**) in CAAP-21-000509, and GAL in CAAP-21-0000521;

(2) the November 24, 2021 Order Dismissing Appeal for Lack of Appellate Jurisdiction in In re LI, CAAP-21-0000524 (**Order Dismissing CAAP-21-0000524**), filed on December 1, 2021, by RCG (there, Petitioner/Resource Caregiver-Appellee) in CAAP-21-0000521 and CAAP-21-0000524, and December 2, 2021, by GAL, in CAAP-21-0000521, and Aunt (there, Aunt/Intervenor-Appellant) and GAL, in CAAP-21-0000524; and

(3) the November 26, 2021 order consolidating CAAP-21-0000521, CAAP-21-0000522, and CAAP-21-0000523 (**Consolidation Order**), filed on December 1, 2021, by RCG, and December 2, 2021, by GAL, in CAAP-21-0000521, the papers in support, and the records in CAAP-21-0000509, CAAP-21-0000521, CAAP-21-0000522, CAAP-21-0000523, and CAAP-21-0000524,

it appears that RCG, Mother, Aunt, and/or GAL have presented points of law or fact that the court overlooked in its Order Dismissing CAAP-21-0000509 and Order Dismissing CAAP-21-0000524. See Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 40(b). In addition, we note that no party sought leave to file an opposition to the aforementioned motions.

We further note that on November 19, 2021, Mother filed an Opening Brief in CAAP-21-0000509.

Therefore, IT IS HEREBY ORDERED that the motions to reconsider the November 24, 2021 Order Dismissing CAAP-21-0000509 and Order Dismissing CAAP-21-0000524 are granted. The orders are vacated, and the appeal and cross-appeal in CAAP-21-0000509 and the appeal in CAAP-21-0000524 are reinstated.

IT IS HEREBY FURTHER ORDERED that the motions to reconsider the Consolidation Order are granted as follows:

1. The November 26, 2021 Consolidation Order is vacated, and the appeals in CAAP-21-0000509, CAAP-21-0000521, CAAP-21-0000522, CAAP-21-0000523, and CAAP-21-0000524 are consolidated under CAAP-21-0000509.

2. The appellate clerk shall file a copy of this order in CAAP-21-0000509, CAAP-21-0000521, CAAP-21-0000522, CAAP-21-0000523, and CAAP-21-0000524, but thereafter the circuit court clerk, court reporters, and parties shall file all documents related to these appeals in CAAP-21-0000509.

3. Within forty (**40**) days after the date of this order, Mother may file a first amended opening brief that addresses all five appeals.

4. The parties shall file a single opening brief, answering brief, and, if necessary, reply brief that addresses all five appeals. All briefing shall be in accordance with HRAP Rule 28.

IT IS FURTHER ORDERED that no further filing fees shall be required.

IT IS FURTHER ORDERED that the appellate clerk shall serve a copy of this order on the Clerk of the Circuit Court of the First Circuit.

DATED: Honolulu, Hawai'i, December 15, 2021.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge