NO. CAAP-21-0000646

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

WN, Petitioner-Appellant, v.
SM, Respondent-Appellee

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-M NO. 14-1-0034K)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Hiraoka, Presiding Judge, McCullen and Chan, JJ.)

Upon review of the record, it appears this court lacks appellate jurisdiction over Petitioner-Appellant WN's appeal from the October 19, 2021 Order After Status Conference (**Status Order**), entered by the Family Court of the Third Circuit in FC-M No. 14-1-0034K, because the Status Order is not a final appealable order.

Pursuant to Hawaii Revised Statutes (**HRS**) § 571-54 (2018), "appeals in family court cases, as in other civil cases, may be taken only from (1) a final judgment, order, or decree, . . . or (2) a certified interlocutory order." In re Doe, 96 Hawaiʻi 272, 283, 30 P.3d 878, 889 (2001) (citations omitted). "Final order means an order ending the proceedings, leaving nothing further to be accomplished." Familian Northwest, Inc. v. Cent. Pac. Boiler & Piping, Ltd., 68 Haw. 368, 370, 714 P.2d 936, 937 (1986) (cleaned up).

As the Status Order expressly set the underlying matter for further status, it is not a final order ending the proceedings leaving nothing further to be accomplished.

Moreover, the Family Court did not certify the Status Order as an appealable interlocutory order.

Finally, as WN is not the child's parent, he has no "fundamental liberty interest" in the custody and care of the child to trigger the exception to the finality rule. See In re Doe, 77 Hawaiʻi 109, 115, 883 P.2d 30, 36 (1994) (noting that "parents have 'fundamental liberty interest[s]' in the care, custody, and management of the child") (citation omitted).

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawaiʻi, August 26, 2022.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge