

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000301

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

IN THE INTEREST OF J.W.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-S NO. 20-00172)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Leonard, Acting Chief Judge, Hiraoka and McCullen, JJ.)

Upon consideration of Father-Appellee J.W.'s (**Father**) June 4, 2024 Motion to Dismiss Appeal for Lack of Appellate Jurisdiction (**Motion to Dismiss**), the papers in support and in opposition, and the record, it appears that Father seeks dismissal of the appeal filed by Mother-Appellant R.E. (**Mother**) from the Orders Concerning Child Protective Act, entered by the Family Court of the First Circuit on a September 28, 2021 (**September 28, 2021 Order**). The September 28, 2021 Order terminated the proceedings in FC-S No. 20-00172, and thus, was the operative final, appealable order entered in that case. Hawaii Revised Statutes § 571-54 (2018). Mother's April 15, 2024 self-represented Notice of Appeal was filed more than thirty days after the September 28, 2021 Order, and the deadline to appeal was not tolled or extended. The Notice of Appeal is therefore untimely. See Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1); Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . . and we must dismiss an appeal on our motion

if we lack jurisdiction.") (citations & internal quotation marks omitted); HRAP Rule 26(b) ("[N]o court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules.").

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

DATED: Honolulu, Hawai'i, September 25, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge