

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

A.B. v. J.M.

No. CAAP-XX-XXXXXXX, Intermediate Court of Appeals of the State of Hawai‘i (March 5, 2026)

SUMMARY

The Intermediate Court of Appeals of Hawai‘i amended its order dismissing J.M.'s appeal for lack of jurisdiction. The court held that no dissolution-of-marriage order had been entered and that the challenged order denying a petition for return of the subject children was not independently appealable.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka, Presiding Judge; Clyde J. Wadsworth, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Hawai‘i Intermediate Court of Appeals
DECIDED	March 5, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant-Appellant J.M. appealed the Family Court of the Third Circuit's August 11, 2025 order denying J.M.'s petition for return of the subject children.
STANDARD OF REVIEW	The court reviewed the record to determine whether it had appellate jurisdiction.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	J.M. v. A.B.

TOPICS

appellate jurisdiction

family law procedure

dissolution of marriage

interlocutory appeal

final judgment rule

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the Intermediate Court of Appeals had jurisdiction over an appeal from an order denying a petition for return of the subject children when the Family Court had not entered an order dissolving the marriage.
2. Whether the August 11, 2025 order was independently appealable under the collateral-order or Forgay doctrines or through an interlocutory appeal.

HOLDINGS

1. The Intermediate Court of Appeals lacked jurisdiction because the Family Court had not entered an order for dissolution of the marriage.
2. The August 11, 2025 order denying the petition for return of the subject children was not independently appealable.

KEY QUOTATIONS

“Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction.” (at 1)

FACTUAL BACKGROUND

J.M. sought the return of the subject children through a petition filed in the Family Court of the Third Circuit. The family court denied that petition on August 11, 2025, and J.M. appealed before an order dissolving the marriage had been entered.

PROCEDURAL HISTORY

The Family Court of the Third Circuit entered an order denying Defendant's petition for return of the subject children. The Intermediate Court of Appeals dismissed the appeal because the Family Court had not entered an order dissolving the marriage and the challenged order was not independently appealable.

DISPOSITION

dismissed

CASES CITED

- DL v. CL, 146 Hawai‘i 328, 337, 463 P.3d 985, 994 (2020)
- Greer v. Baker, 137 Hawai‘i 249, 253, 369 P.3d 832, 836 (2016)

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 05-MAR-2026 08:28
AM Dkt. 36 AMORD NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF

APPEALS OF THE STATE OF HAWAII#I A.B., Plaintiff-Appellee, v. J.M., Defendant-Appellant
APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT (CASE NO. 3FDV-XX-XXXXXXX) AMENDED ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Hiraoka, Presiding Judge, Wadsworth and Guidry, JJ.)

Upon review of the record in CAAP-XX-XXXXXXX and 3FDV-XX-XXXXXXX,¹ it appears that: (1) Defendant-Appellant J.M. appeals from the August 11, 2025 Order Denying Defendant's Petition for Return of Subject Children to Defendant-Father entered by the Family Court of the Third Circuit.

(2) We lack jurisdiction over this appeal because the Family Court has not entered an order for dissolution of the marriage, HRS § 571–54 (2018); DL v. CL, 146 Hawai'i 328, 337, 1 The court takes judicial notice of the record in 3FDV-XX-XXXXXXX. Hawai'i Rules of Evidence Rule 201. NOT FOR PUBLICATION IN WEST'S HAWAII#I REPORTS AND PACIFIC REPORTER 463 P.3d 985, 994 (2020), and the August 11, 2025 Order is not independently appealable, see Greer v. Baker, 137 Hawai'i 249, 253, 369 P.3d 832, 836 (2016) (reciting the requirements for appeals under the collateral-order doctrine and the Forgay doctrine); HRS § 641-1(b) (2016) (setting forth the requirements for leave to file an interlocutory appeal).

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction. IT IS FURTHER ORDERED that the court will take no further action on the December 18, 2025 Order to Show Cause. IT IS FURTHER ORDERED that all pending motions are dismissed. DATED: Honolulu, Hawai'i, March 5, 2026. /s/ Keith K. Hiraoka Presiding Judge /s/ Clyde J. Wadsworth Associate Judge /s/ Kimberly T. Guidry Associate Judge 2