

# INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

## A.B. v. J.M.

A.B. v. J.M. · No. CAAP-XX-XXXXXXX · Decided March 4, 2026

### SUMMARY

The Intermediate Court of Appeals of Hawai‘i dismissed J.M.'s appeal from a Family Court order denying a petition for the return of subject children. The court held that it lacked jurisdiction because no dissolution order had been entered and the challenged order was not independently appealable.

### CASE DETAILS

|                       |                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Intermediate Court of Appeals of the State of Hawai‘i                                                                        |
| WRITING FOR THE COURT | Keith K. Hiraoka; Clyde J. Wadsworth; Kimberly T. Guidry                                                                     |
| JURISDICTION          | Intermediate Court of Appeals of the State of Hawai‘i                                                                        |
| DECIDED               | March 4, 2026                                                                                                                |
| DOCKET                | CAAP-XX-XXXXXXX                                                                                                              |
| DISPOSITION           | dismissed                                                                                                                    |
| PROCEDURAL POSTURE    | J.M. appealed from the Family Court of the Third Circuit's 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    | Published                                                                                                                    |
| PARTIES               | J.M. v. A.B.                                                                                                                 |

### TOPICS

appellate jurisdiction

family law procedure

interlocutory appeal

dissolution of marriage

### PRACTICE AREAS

family law

appellate procedure

### QUESTIONS PRESENTED

- Whether the Intermediate Court of Appeals had jurisdiction over an appeal from the Family Court's order denying the petition for return of the subject children.

2. Whether the August 11, 2025 order was independently appealable under the collateral-order or Forgay doctrines, or appealable as an interlocutory order.

#### HOLDINGS

1. The Intermediate Court of Appeals lacked jurisdiction because the Family Court had not entered an order dissolving the marriage and the August 11, 2025 order 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 to Defendant-Father. The Family Court denied that petition on August 11, 2025. At the time of the appeal, the Family Court had not entered an order dissolving the parties' marriage.

#### PROCEDURAL HISTORY

The Family Court of the Third Circuit entered an August 11, 2025 order denying Defendant's Petition for Return of Subject Children to Defendant-Father. J.M. appealed, and the Intermediate Court of Appeals dismissed the appeal for lack of appellate jurisdiction, dismissed all pending motions, and took no further action on an order to show cause.

#### 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

A.B. v. J.M.

PER CURIAM.

Electronically Filed Intermediate Court of Appeals

CAAP-XX-XXXXXXX

04-MAR-2026

09:09 AM Dkt. 34 ODSLJ

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)

ORDER DISMISSING APPEAL

(By: Hiraoka, Presiding Judge, Wadsworth and Guidry, JJ.) Upon review of the record in CAAP-XX-XXXXXXX and 3FDV-XX-XXXXXXX,<sup>1</sup> 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, 463 P.3d 985, 994 (2020), and the August 11, 2025 Order is not independently appealable, see Greer v. Baker, 137 Hawai#i 249, 1 The court takes judicial notice of the record in 3FDV-XX-XXXXXXX. Hawai#i Rules of Evidence Rule 201. 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 4, 2026. /s/ Keith K. Hiraoka Presiding Judge /s/ Clyde J. Wadsworth Associate Judge /s/ Kimberly T. Guidry Associate Judge 2