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NO. CAAP-25-0000010

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

C.L., Plaintiff-Appellee, v.
E.F., Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1DV151006351)

SUMMARY DISPOSITION ORDER

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

E.F. (**Father**), representing himself, tried to vacate a March 6, 2019 family court order that he pay child support to C.L., now known as C.S. (**Mother**), through the Child Support Enforcement Agency (**CSEA**).¹ The **March 6, 2019 Order** provided:

Based on the representation/record made, IT IS HEREBY ORDERED that: By agreement of the parties:

1. [Father] will pay to [Mother] within 30 days of date of this order two-thousand dollars (\$2,000.00) for child ~~support~~ care arrears due from 2017 through March 6, 2019.
2. Commencing March 2019, [Father] will also pay nine hundred five dollars and four cents (\$905.04) per month via the Child Support Enforcement Agency as current support.
3. [Father] will give two (2) weeks notice to [Mother] of [Father]'s visits to Virginia.
4. All prior and consistent orders remain in full force and effect.

¹

The Honorable Jessi L.K. Hall presided.

The March 6, 2019 Order was entered after a hearing, but the record does not contain a transcript of proceedings.

On May 29, 2024, Father moved to void the March 6, 2019 Order. The family court set an extended hearing for September 13, 2024.² The *Order for Extended Hearing* stated:

The disputed issue(s) at the hearing shall be limited to:

- a. Whether [Father]'s obligation as detailed in the "child support" orders issued on March 6, 2019 shall be voided.
- b. Reimbursement for overpayment of [Father]'s share of child care expenses from March 2019 through July 2024 in the amount of \$29,261.39 subject to an increase at the Extended Hearing.
- c. Direct payment of child support.
- d. [Father]'s request to terminate his contribution to health care premiums until he is reimbursed \$29,261.39.

A *Decision and Order* denying Father's motion was entered on October 15, 2024.³

Father moved for reconsideration and a new trial on October 21, 2024. An order denying Father's motion was entered on December 16, 2024.⁴

Father appeals. The family court entered findings of fact (**FOF**) and conclusions of law (**COL**) on February 3, 2025, consistent with Hawai'i Family Court Rules (**HFCR**) Rule 52. We affirm.

The "family court possesses wide discretion in making its decisions and those decisions will not be set aside unless there is a manifest abuse of discretion." Hamilton v. Hamilton, 138 Hawai'i 185, 197, 378 P.3d 901, 913 (2016). We review the family court's findings of fact under the *clearly erroneous* standard, and its conclusions of law de novo under the

² The record on appeal does not contain a transcript of the extended hearing because Father did not pay the court reporter's fee. [JROA 38, 51, 91]

³ The Honorable Maria F. Penn presided.

⁴ Judge Penn presided.

right/wrong standard. Id. When a determination presents mixed questions of fact and law, we review it under the *clearly erroneous* standard because the conclusion is dependent on the facts and circumstances of the case. Est. of Klink ex rel. Klink v. State, 113 Hawai'i 332, 351, 152 P.3d 504, 523 (2007). A conclusion of law that is supported by the court's findings of fact and reflects an application of the correct rule of law will not be overturned. Id.

Father's opening brief does not comply with Rule 28(b) of the Hawai'i Rules of Appellate Procedure (**HRAP**). To promote access to justice, we do not automatically foreclose self-represented litigants from appellate review if they don't comply with court rules. Erum v. Llego, 147 Hawai'i 368, 380-81, 465 P.3d 815, 827-28 (2020). The opening brief's argument section does not follow the statement of the points of error. We have attempted to connect the arguments to the points of error; points not argued are deemed waived. HRAP Rule 28(b)(7). Argument that does not correspond to a point of error is disregarded. HRAP Rule 28(b)(4).

(1) Father's first point of error challenges the family court's FOF nos. 14 and 15:

14. [Father] then submitted a *Motion for Review of Oversight from Hearings Held* dated March 12, 2020. [Father] maintained that CSEA's Administrative Findings and Order signed 2/18/2020" [sic] because of an oversight by the hearings officer, Michael Wong.

15. CSEA issued its *Order Denying Responsible Parent's Review of Oversight from Hearings Held* on April 2, 2020, and said Order was filed with the Family Court on 4/23/2020 (Dkt. 92; Exh. AP).

FOF nos. 14 and 15 were supported by substantial evidence in the record and were not clearly erroneous.

(2) Father's second point of error challenges FOF nos. 26 and 27 and COL no. 20:

26. Since [Father] sought modification of child support in August 2019 with Judge Fong and again with CSEA in November 2019, [Father]'s reliance on this transcript [of

the March 6, 2019 hearing]^[5] to again seek [to] set aside the March 6, 2019 Order in this trial lacked merit and was baseless.

27. [Father] failed to present a legal basis which would support his request to void Judge Hall's March 6, 2019 [order] over five (5) years after it was issued, which was made by agreement between the parties, and the Court denied his request to void the child support obligation set forth in Judge Hall's March 6, 2019 Order.

FOF nos. 26 and 27 were mixed findings and conclusions. They were supported by substantial evidence in the records and applied the correct law, including that Father did not appeal from the March 6, 2019 Order and the CSEA's order was res judicata on the family court's March 6, 2019 Order. There was no error.

The family court entered eleven conclusions of law; there was no COL no. 20. FOF no. 20 stated:

20. The following issues from [Father]'s 5/29/2024 Motion remained disputed and were set for trial: 1) Whether [Father]'s obligation as detailed in the "child support" orders issued on March 6, 2019 shall be voided; 2) reimbursement for overpayment of [Father]'s share of child care expenses from March 2019 through July 2024 in the amount of \$29,261.39, subject to an increase at the Extended Hearing should be ordered; 3) direct payment of child support; and 4) [Father]'s request to terminate his contribution to health care premiums until he is reimbursed \$29,261.39.

FOF no. 20 was a correct statement of the issues in the family court's Order for Extended Hearing. There was no error.

(3) Father's third point of error challenges COL nos. 15, 16, and 17. There were only eleven conclusions of law. We addressed FOF no. 15 in section (1). The family court also found:

16. [Father] did not appeal CSEA's Order filed on 4/23/2020. Id.

17. Neither party filed any motions with the Court between September 2019 and February 2023.

⁵ FOF no. 25 stated: "The transcript [of the March 6, 2019 hearing] was not produced as an exhibit by either party[.]"

FOF nos. 16 and 17 accurately state the record. They were not clearly erroneous.

(4) Father's fourth point of error contends the family court "erred in Dkt. 432 ORDD (pp. 2-4), by ruling that the absence of a Child Support Guidelines Worksheet did not void the order, and wrongly blaming [Father] for not having sought correction earlier, despite jurisdictional and evidentiary barriers." Father's record citation points to the December 16, 2024 Order Denying [Father]'s Motion for Retrial and Request for Recalculation of Child Support, but the order is two pages long and does not mention a child support guidelines worksheet.

(5) Father's fifth point of error contends the family court "erred in adopting provisions in Dkt. 392 DO (Lines 22-30 and 45-47), which relied on unverified informal figures for child support rather than a properly calculated, rebuttably presumed amount under federal and state law."

Father appears to argue that the March 6, 2019 Order is void and unenforceable because it did not append a Child Support Guidelines Worksheet, and should have been set aside under HFCR Rule 60(b)(4). HFCR Rule 60 provides:

(b) Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from any or all of the provisions of a final judgment, order, or proceeding for the following reasons:

. . . .

(4) the judgment is void[.]

A "judgment is void only if the court lacked subject matter jurisdiction, jurisdiction over the person, or violated due process[.]" Bank of Haw. v. Shinn, 120 Hawai'i 1, 12, 200 P.3d 370, 381 (2008) (applying Hawai'i Rules of Civil Procedure Rule 60(b)(4)). None of those requirements were violated here. The family court did not err by refusing to vacate the March 6, 2019 Order.

The family court's October 15, 2024 *Decision and Order* and December 16, 2024 *Order Denying [Father]'s Motion for Retrial*

and Request for Recalculation of Child Support are affirmed. All pending motions are denied.

DATED: Honolulu, Hawai'i, August 18, 2026.

On the briefs:

E.F.,
Self-represented
Defendant-Appellant.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

C.L.,
Self-represented
Plaintiff-Appellee.

/s/ Clyde J. Wadsworth
Associate Judge