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NO. CAAP-25-0000180

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

M.F., Petitioner-Appellee,
v.
C.T., Respondent-Appellant, and
CHILD SUPPORT ENFORCEMENT AGENCY, STATE OF HAWAI'I,
Respondent-Appellee.

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(CASE NO. 1FPA-24-0000338)

SUMMARY DISPOSITION ORDER

(By: Hiraoka, Presiding Judge, Guidry and Gluck, JJ.)

Self-represented Respondent-Appellant C.T. appeals from the Family Court of the First Circuit's (**Family Court**) August 26, 2025 "Findings of Fact, Conclusions of Law Re: Petition for Custody, Visitation, and Support Orders After Voluntary Establishment of Paternity" (**FOFs/COLs**).¹ C.T. raises seven points of error, generally contending that the Family Court erred in awarding primary physical custody of their two children to Petitioner-Appellee M.F. Upon careful review of the record and the briefs submitted by the parties and having given

¹ The Honorable Andrew T. Park presided.

due consideration to the arguments advanced and the issues raised, we affirm.

Procedural History: The Family Court held a trial on February 10 and 11, 2025, issued an oral decision on February 11, and entered a written order on February 28. The Family Court awarded joint legal custody to M.F. and C.T. and ordered physical custody to M.F. C.T. timely appealed from the written order. The Family Court entered its FOFs/COLs on August 26, 2025.

After filing the notice of appeal, C.T. sought a waiver of transcript fees. This court denied the request but extended the deadline for C.T. to pay the transcript deposit fees; C.T. did not do so. C.T. filed a motion for reconsideration, which this court denied. C.T. contends trial error by the Family Court, but C.T. is the appellant and his failure to include the trial transcripts in the record makes it impracticable for us to review those proceedings. Hous. Fin. & Dev. Corp. v. Ferguson, 91 Hawai'i 81, 92, 979 P.2d 1107, 1118 (1999) (noting "the burden is upon appellant in an appeal to show error by reference to matters in the record, and [appellant] has the responsibility of providing an adequate transcript") (cleaned up); Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 10(b)(1)(A) and (b)(4) (2016).

Standards of Review: The Hawai'i Supreme Court has set forth the standards by which appellate courts review Family Court decisions:

Generally, the family court possesses wide discretion in making its decisions and those decision[s] will not be set aside unless there is a manifest abuse of discretion. Thus, we will not disturb the family court's decisions on appeal unless the family court disregarded rules or principles of law or practice to the substantial detriment of a party litigant and its decision clearly exceeded the bounds of reason.

In re AA, 150 Hawai'i 270, 283, 500 P.3d 455, 468 (2021) (quoting Fisher v. Fisher, 111 Hawai'i 41, 46, 137 P.3d 355, 360 (2006)) (brackets in original). The Supreme Court also explained:

The family court's FOFs are reviewed on appeal under the "clearly erroneous" standard. A FOF is clearly erroneous when (1) the record lacks substantial evidence to support the finding, or (2) despite substantial evidence in support of the finding, the appellate court is nonetheless left with a definite and firm conviction that a mistake has been made. "Substantial evidence" is credible evidence which is of sufficient quality and probative value to enable a person of reasonable caution to support a conclusion.

In re Doe, 95 Hawai'i 183, 190, 20 P.3d 616, 623 (2001) (cleaned up).

1. Failure to record Custody Investigation Unit (CIU) interviews. C.T. contends that "[t]he CIU conducted critical interviews via Zoom but preserved no audio or video record," allegedly violating both Rule 43.1 of the Hawai'i Family Court Rules (**HFCR**) and his right to due process. He cites to State v. Zuffante, 157 Hawai'i 194, 576 P.3d 243 (2025), which held that article I, sections 5 and 10 of the Hawai'i Constitution require police to record custodial interrogations. He asserts that, "[b]ecause the interviews were not recorded, the Family Court and this Court are deprived of any meaningful ability to review what was actually said, how it was said, or whether conclusions were supported."

As an initial matter, C.T. has not indicated whether he made this objection in the Family Court and, if so, where that objection was made. As such, we need not consider the argument. See HRS § 641-2(b) (2016) ("The appellate court . . . need not consider a point that was not presented in the trial court in an appropriate manner."); Hawaii Ventures, LLC v. Otaka, Inc., 114 Hawai'i 438, 500, 164 P.3d 696, 758 (2007) ("As a general rule, if a party does not raise an argument at the circuit court level, that argument will be deemed to have been

waived on appeal[.]" (cleaned up)); Bettencourt v. Bettencourt, 80 Hawai'i 225, 230, 909 P.2d 553, 558 (1995) ("The law is clear in this jurisdiction that the appellant has the burden of furnishing the appellate court with a sufficient record to positively show the alleged error." (quoting Union Bldg. Materials Corp. v. Kakaako Corp., 5 Haw. App. 146, 151, 682 P.2d 82, 87 (App. 1984))); Pele Def. Fund v. Puna Geothermal Venture, 8 Haw. App. 203, 212, 797 P.2d 69, 74 (1990) ("We will not comb through the record to find error."); HRAP Rule 28(b)(4) (eff. 2022) (requiring the points of error in an opening brief to state "(i) the alleged error committed by the court or agency; (ii) where in the record the alleged error occurred; and (iii) where in the record the alleged error was objected to or the manner in which the alleged error was brought to the attention of the court or agency").

Regardless, C.T.'s argument is without merit. Zuffante addressed custodial interrogations and a criminal defendant's rights to a fair trial, to confrontation, and against self-incrimination. Zuffante, 157 Hawai'i at 200, 576 P.3d at 249. Nothing in Zuffante suggests that every investigative act by a government official must be recorded. Here, CIU Court Officer Michelle Nagatori submitted a 33-page report on January 9, 2025. This comports with Hawai'i Revised Statutes (**HRS**) § 571-46(a)(4) (2018), which provides in relevant part:

Whenever good cause appears therefor, the court may require an investigation and report concerning the care, welfare, and custody of any minor child of the parties. When so directed by the court, investigators or professional personnel attached to or assisting the court, hereinafter referred to as child custody evaluators, shall make investigations and reports that shall be made available to all interested parties and counsel before hearing, and the reports may be received in evidence if no objection is made and, if objection is made, may be received in evidence[.]

Nothing in the statute requires that a court-appointed investigator record interviews, and we decline to expand Zuffante to this context.

2. Educational Stability Findings. C.T. next argues that the Family Court clearly erred in concluding that M.F. provided educational stability. C.T. contends that while the children were with M.F., "the children accumulated chronic absenteeism across consecutive academic years, totaling approximately 203 instructional days." C.T. provides no support for this assertion, and we therefore disregard it. See HRAP Rule 28(b)(7) (requiring an appellant's arguments to contain "the contentions of the appellant on the points presented and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on" and providing that "[p]oints not argued may be deemed waived"). Furthermore, C.T.'s calculations do not appear to be supported by the academic records attached to the CIU Report. Even if C.T.'s calculations were correct, however, a child's absence from school does not necessarily indicate educational instability: for example, one child had extended absences for medical reasons (as documented in the CIU Report), but this type of extended absence would not undermine the Family Court's finding regarding stability. In short, C.T. has not demonstrated that the Family Court clearly erred in finding that M.F. provided educational stability.

3. Medical Management Findings. C.T. contends that the Family Court clearly erred in finding that M.F. "managed the children's medical care." It is unclear what, exactly, C.T. challenges here, because the Family Court's FOFs/COLs made no such finding. The Family Court found that "[t]he Children reported that [M.F.] takes them to their medical and dental appointments," but that is taken directly from the CIU Report. The Family Court also found that M.F. "is the one who took and

takes the children to their appointments," but C.T.'s argument is that "the finding that [M.F.] 'managed' medical care is unsupported and logically incompatible with the record." Once again, C.T. has not identified an error by the Family Court.

4. Criminal History Report. C.T. argues that the CIU incorrectly reported that C.T. had three pending criminal charges, and that this "investigative negligence . . . taints the entire custody analysis." This argument fails for two reasons. First, although C.T. contends that the CIU erred, C.T. does not point to any error by the Family Court. Second, C.T. does not indicate whether he made any such objection before the Family Court. C.T.'s arguments are without merit.

5. School Relocation. C.T. next contends that the CIU Report relied on "unverified" and "inconsistent" assertions regarding M.F.'s residence, and that "[a] custody order based on an unverified and contradictory residence is an abuse of discretion." C.T.'s argument is difficult to understand. The Family Court did not make a finding as to where, exactly, M.F. resides, and the Family Court did not order that the children attend an identified school. Instead, the Family Court ordered that M.F. "may enroll [the children] in a school that is in the geographical area of where [M.F.] resides." C.T. has not identified any error by the Family Court.

6. M.F.'s Willingness to Foster Children's Relationship with C.T. C.T. next argues that the Family Court clearly erred in finding that M.F. was more willing to foster the children's relationship with C.T. than the other way around. Once again, however, C.T. offers no references to the record and no support for his assertions. The Family Court found that both parents "have had difficulty cooperating in developing and implementing a plan to meet the children's ongoing needs, interests, and schedule," but that "[M.F.] appeared to be the

more willing parent to try to work with [C.T.]." C.T. has not demonstrated either clear error or an abuse of discretion here.

7. Biased CIU Investigation. C.T. lists a seventh point of error in his Opening Brief – that "the CIU conducted a biased investigation by excluding identified paternal caregivers while relying on speculative maternal collateral testimony" – but he offers no argument on this point and once again provides no references to the record to support his assertion. He has not demonstrated any error by the Family Court.

For the foregoing reasons, we affirm the Family Court of the First Circuit's August 26, 2025 "Findings of Fact, Conclusions of Law Re: Petition for Custody, Visitation, and Support Orders After Voluntary Establishment of Paternity."

DATED: Honolulu, Hawai'i, August 31, 2026.

On the briefs:

C.T., Self-represented Respondent- Appellant.	/s/ Keith K. Hiraoka Presiding Judge
M.F., Self-represented Petitioner- Appellee.	/s/ Kimberly T. Guidry Associate Judge
	/s/ Daniel M. Gluck Associate Judge