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NO. CAAP-24-0000455

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

BRENDAN FRANCIS WELCH, Plaintiff-Appellee,
v.
SUSAN MAE WELCH, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(CASE NO. 2DV141000229)

MEMORANDUM OPINION
(By: Nakasone, Chief Judge, Leonard and McCullen, JJ.)

This appeal challenges the modification of a spousal support order included in a divorce decree. While we affirm in part as to certain challenged factual findings, we vacate and remand for the family court to conduct, and to issue findings that reflect, a complete analysis under Vorfeld[1] required for

[1] Vorfeld v. Vorfeld, 8 Haw. App. 391, 402-03, 804 P.2d 891, 897-98 (App. 1991).

modification of a spousal support order based on a material change in circumstances.

Self-represented Defendant-Appellant Susan Mae Welch (**Susan**) appeals from the Family Court of the Second Circuit's (**Family Court**)[2] May 31, 2024 "Order on Motion for Post Decree Relief" (**Order Granting Post-Decree Relief**), granting Plaintiff-Appellee Brendan Francis Welch's (**Brendan**) motion to terminate the spousal support ordered in the October 29, 2015 "Divorce Judgment" (**divorce decree**) entered by the family court.[3] The divorce decree provided:

> (3) ALIMONY. [Brendan] shall pay alimony to [Susan] in the amount of $1,800.00 per month, beginning October 01, 2015, and continuing for an indefinite period of time thereafter. [Susan]'s future receipt of Social Security Disability payments should not be considered a material change in circumstances for alimony purposes.

(Emphasis added.)

On appeal, Susan challenges various findings and conclusions set forth in the August 8, 2024 "Findings of Fact and Conclusions of Law" (**FOFs/COLs**) supporting the Order Granting Post-Decree Relief, as follows: **(1)** errors related to Brendan's ability to pay spousal support based on his tax returns' Adjusted Gross Income (**AGI**) and consideration of the impact of inflation on Brendan's expenses, in FOFs 10, 11 and COL 11; **(2)** errors related to Susan's ability to meet her own needs based on her living arrangement with her significant other and income-earning ability, in FOF 13, and COLs 13, 14; and **(3)** errors related to the previous alimony award as "transitional" rather than permanent, in COLs 9, 10, 12.[4]

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[2] The Honorable James R. Rouse presided.

[3] The Honorable Lloyd A. Poelman entered the 2015 divorce decree.

[4] Susan's nine points of error (**POEs**) have been consolidated, reorganized, and restated for clarity.

I. BACKGROUND

On December 18, 2023, Brendan filed a "Motion and Affidavit for Post-Decree Relief" that requested the Family Court to "terminate" the 2015 "[a]limony order" because Brendan's "income has decreased significantly" since the 2015 divorce decree. On April 30, 2024, the Family Court conducted an evidentiary hearing on the motion (**modification hearing**), during which the Family Court took judicial notice of the parties' filed Income and Expense Statements and Asset and Debt Statements, received further evidence, and heard testimony from Brendan and Susan. The Family Court granted the motion in its May 31, 2024 Order Granting Post-Decree Relief, from which Susan timely appealed.[5]

We first address Brendan's argument that Susan's appeal should be dismissed for the late filing of her non-compliant Opening Brief (**OB**) under HRAP Rules 28(a) and 30. Brendan argues that Susan filed her OB "ten (10)-twelve (12) days late[,]" and that the brief was "seven (7) pages over the allowable limit" under HRAP. Susan acknowledges that her OB was untimely filed due to her mis-calendaring of the deadline, maintains that her "error[s] . . . w[ere] not willfully done[,]"

With regard to the POE that the Family Court erred in FOF 7 "in the amount of stated time" Brendan had paid alimony, the only argument Susan makes is that "[i]t had been less than nine years," not "nine years" as stated in FOF 7. FOF 7 stated: "[Brendan] has paid $1,800.00 to [Susan] per month in alimony for nine (9) years (approximately $194,000.00)." The record reflects that the Family Court's Order Granting Post-Decree Relief was filed almost nine years after the 2015 divorce decree. This alleged error appears harmless, and we do not address it. See Hawaiʻi Rules of Appellate Procedure (**HRAP**) Rule 28(b)(7).

[5] Susan subsequently filed a motion for reconsideration that the Family Court denied on June 20, 2024. Susan does not challenge that ruling in this appeal.

and that "[n]one of this was done to prejudice [Brendan] . . . or to disrespect the Court, in any way."

While Susan should have submitted requests with this court for an extension of the OB deadline and to exceed the opening brief page limits, we exercise our discretion under HRAP Rule 30 to not impose sanctions. See Erum v. Llego, 147 Hawaiʻi 368, 380-81, 465 P.3d 815, 827-28 (2020) (noting the public policy of affording liberal review of pleadings by self-represented litigants "to facilitate access to justice" and allowing them opportunities for appellate review despite non-compliance with court rules (citations omitted)). We caution, however, that further violations of court rules may result in sanctions.

II. STANDARD OF REVIEW

We review the Order Granting Post-Decree Relief for abuse of discretion. See Jacoby v. Jacoby, 150 Hawaiʻi 158, 166, 498 P.3d 689, 697 (2021) (affirming the family court's "wide discretion when making its decision regarding spousal support" (citation omitted)).

III. DISCUSSION

Hawaii Revised Statutes (**HRS**) § 580-47(a) and (d) (2018) authorizes the Family Court, post-divorce decree, to "amend or revise any order" upon a showing of "a material change in the physical or financial circumstances of either party," and to make "any further orders as shall appear just and equitable" upon finding that "good cause exists[.]" Modification of a spousal support order requires the family court to assess the overall relevant circumstances of the parties to determine whether there has been a material change in any of the following four relevant circumstances: (1) the payee's need; (2) the payee's ability to meet his or her need

without spousal support; (3) the payor's need; and (4) the payor's ability to pay spousal support. Vorfeld, 8 Haw. App. at 402-03, 804 P.2d at 897. The family court must apply the following three-part analysis: (1) have any of the relevant circumstances materially changed?; (2) if the answer to question 1 is yes, should there be a modification?; and (3) if the answer to question 2 is yes, what should the modification be? Weinberg v. Dickson-Weinberg, No. CAAP-15-0000362, 2016 WL 3144328, at *5 n.6 (Haw. App. May 31, 2016) (mem. op.) (quoting Vorfeld, 8 Haw. App. at 402-03, 804 P.2d at 897-98). "Any part of the payor's current inability to pay that was unreasonably caused by the payor may not be considered"; and "[a]ny part of the payee's current need" caused by the payee's violation of the "duty to exert reasonable efforts to attain self-sufficiency . . . may not be considered." Vorfeld, 8 Haw. App. at 403, 804 P.2d at 898 (citation omitted). "A material change in the relevant circumstances has occurred when a party's relevant circumstances that are proven to exist at the time of the modification hearing are materially different from the party's relevant circumstances that were proven to exist when the family court entered its spousal support order." Id. at 402, 804 P.2d at 897. The burden is on the party moving for a modification under HRS § 580-47 to prove his or her entitlement to a modification. Saromines v. Saromines, 3 Haw. App. 20, 28, 641 P.2d 1342, 1348 (App. 1982).

The FOFs/COLs reflect that the Family Court referenced the three-part material-circumstances analysis under Vorfeld. The COLs state:

> [COL] 1. [Brendan] moved the Family Court to terminate the alimony ordered in the original decree.

[COL] 2. The Family Court is presented with three prong test [sic] when hearing a request to modify court ordered alimony.

[COL] 3. The first prong of the test is has there been a material change in the circumstances with the parties justifying a change in the original orders.

[COL] 4. The second and third prong of the test is should there be a modification and if a modification is warranted what should the modification be.

[COL] 5. The first relevant circumstance is the payee's need.

[COL] 6. The second relevant circumstance is the payee's ability to meet her needs without support.

[COL] 7. The third relevant consideration is the payor's need.

[COL] 8. The fourth relevant consideration is the payor's ability to pay.

[COL] 9. The alimony awarded in 2015 was transitional, not permanent.

[COL] 10. The goal of transitional alimony is to allow the lower earner spouse an opportunity to adjust to a reduced standard of living.

[COL] 11. There has been a material change in circumstances due to [Brendan]'s significant reduction in adjusted gross income over the time period between the original trial and the hearing on April 30, 2024 as well as the increase in expenses due to inflation.

[COL] 12. Nine (9) years of alimony at $1,800.00 per month has fulfilled the purpose of the original alimony order.

[COL] 13. [Susan] has economically benefitted by living with her significant other.

[COL] 14. Being disabled does not necessarily mean inability to work or to earn income. [Susan] has the present ability to earn income.

[COL] 15. [Brendan]'s Motion to Terminate Alimony is granted.

As we discuss infra, while the Family Court purported to apply the three-part Vorfeld analysis to the relevant circumstances, it appears that the analyses of the four relevant circumstances are incomplete.

1. FOFs 10, 11, and COL 11

Susan challenges FOFs 10, 11 and COL 11, which appear to relate to the Vorfeld circumstance of Brendan's ability to pay spousal support. Susan contends the Family Court erred by relying on the AGI in Brendan's tax returns "without the proper Schedules and Forms" and erred by finding Brendan's expenses had "gone up due to inflation, when it was [Susan] that raised the issue." Susan claims that Brendan's "[d]ecreasing" AGI "is not the appropriate measure of ability to pay [a]limony"; that Brendan's AGI figures were not accurate reflections of his "actual" income because they did not reflect all sources of income and his expenses were overstated; and that Brendan's "reduction in [AGI] is the result of underemployment."[6]

FOFs 10 and 11 state:

> [FOF] 10. [Brendan]'s adjusted income has declined since 2015 for a number of reasons, including but not limited to, getting older, health issues and COVID.
>
> [FOF] 11. In addition, [Brendan]'s expenses have gone up due to inflation.

COL 11 concludes that "[t]here has been a material change in circumstances due to [Brendan]'s significant reduction in adjusted gross income" and "increase in expenses" between the 2015 divorce trial and the 2024 modification hearing.

[6] We do not address Susan's remaining contention that it was she, and not Brendan, who testified that expenses were rising due to inflation. This contention is confirmed by the record, but the error is harmless.

Brendan responds that he testified that "all" his income was reflected in the AGI figures reported in his 2015-2023 federal tax returns, and that the decline in his income was "due to getting older, health issues, and COVID, not from trying to work less."

In FOF 9, which is unchallenged, the Family Court found that Brendan's AGI, as shown in his federal tax returns for the nine years that Brendan had paid spousal support, was as follows: 2015, $171,594.00; 2016, $82,795.00; 2017, $42,777.00; 2018, $84,362.00; 2019, $88,126.00; 2020, $38,646.00; 2021, $15,788; 2022, $35,213.00; 2023, $15,610.00. Brendan testified that "all [his] income [wa]s reflected in [his] tax returns[.]"

Susan's arguments reflect her disagreement with the weight the Family Court accorded the referenced evidence, and the credibility of Brendan's testimony. This court "will not pass upon issues dependent upon the credibility of witnesses and the weight of evidence; this is the province of the trier of fact." Fisher v. Fisher, 111 Hawaiʻi 41, 46, 137 P.3d 355, 360 (2006) (citation omitted). FOFs 10 and 11 were supported by unchallenged FOF 9 and substantial evidence in the record, and are not clearly erroneous. See Jacoby, 150 Hawaiʻi at 165, 498 P.3d at 696 (reviewing a family court's FOFs under the "clearly erroneous" standard (citation omitted)). The Family Court's mixed legal and factual determination in COL 11 of "a material change in circumstances due to [Brendan]'s significant reduction in adjusted gross income" and increased expenses was also supported by substantial evidence and not clearly erroneous. See L.R.O. v. N.D.O., 148 Hawaiʻi 336, 349, 475 P.3d 1167, 1180 (2020) (reviewing mixed questions of law and fact under the "clearly erroneous" standard (citation omitted)).

While we affirm COL 11, to the extent it represents the Family Court's assessment of the fourth relevant Vorfeld circumstance of Brendan's ability to pay spousal support, the analysis is incomplete. Under Vorfeld, the analysis of this circumstance requires: "[t]aking into account the payor's income, or what it should be, including the income producing capability of his or her property, what is his or her reasonable ability to meet his or her need and to pay spousal support?" 8 Haw. App. at 403, 804 P.2d at 897-98. The Family Court took into account Brendan's income by noting the decreased AGI in his tax returns, but its FOFs/COLs do not reflect that it conducted the remaining analysis of Brendan's reasonable ability to meet his own need and to pay spousal support, based on the financial information in the record. The FOFs/COLs also do not contain an assessment of the third relevant Vorfeld circumstance, of Brendan's own need, which requires a determination of "[w]hat amount of money" the payor needs "to maintain the standard of living established during the marriage[.]" Id. at 403, 804 P.2d at 897. On remand, the Family Court should complete the analysis of the third and fourth relevant Vorfeld circumstances. See Muraoka v. Muraoka, 7 Haw. App. 432, 439, 776 P.2d 418, 422-423 (1989) (vacating property division in a divorce decree and remanding "for reconsideration" where the "oral decision, divorce decree, and other findings of fact and conclusions of law" did not adequately demonstrate an exercise of "equitable discretion" in accordance with applicable case law and HRS § 580-47(a)). If the completed Vorfeld analysis reflects that Brendan's "current inability to pay" spousal support was not "unreasonably caused" by Brendan, such a showing would suffice to meet Brendan's burden as the movant to prove his entitlement to a modification based on a material change in his financial

circumstances. See Vorfeld, 8 Haw. App. at 403, 804 P.2d at 898; Saromines, 3 Haw. App. at 28, 641 P.2d at 1348.

2. FOF 13, COLs 13 and 14

Susan challenges FOF 13, COLs 13 and 14, which appear to relate to the first and second Vorfeld circumstances of Susan's need and ability to meet her own need without spousal support.

We first address the cohabitation-related factual findings in FOF 13 and COL 13. FOF 13 found that Susan "has lived with her significant other since 2014"; and COL 13 appears to be a mixed factual-legal determination that Susan "has economically benefitted by living with her significant other." Susan claims that FOF 13 was "not based on evidence[,]" because Susan "testified that she ha[d] 'been together' with her significant other since 2014, not that they have 'lived together' since 2014." Susan argues that "[d]ating someone does not mean living together." Regarding COL 13, Susan argues the Family Court "made no findings as to what economic benefit the current living arrangement has, if any."

Brendan responds that Susan "testified that she has been with her significant other since 2014 (since before the divorce)[,]" "that she currently lives with him[,]" and "that her significant other is employed." Brendan argues that "[t]his evidence supports the Family Court's finding that [Susan] is economically benefitting from living with her significant other, even if the exact dates of cohabitation are not clear." Brendan asserts that "[i]t is common knowledge that two (2) people splitting the rent, utilities, food and other living expenses is cheaper than one (1) person covering everything."

The trial transcript reflects that Susan testified that she lived with her significant other, as follows:

> Q. [(BY BRENDAN'S COUNSEL)] Okay. Who do you live with?
>
> A. [(BY SUSAN)] Ah, Christian Seecat [(**Seecat**)] and also his minor son.
>
> Q. And is that your sigca -- sig -- significant other?
>
> A. Correct.
>
> Q. Um, so you are in a relationship with Mr. See -- Seecraft?
>
> A. Cat. Like literally, see and cat.
>
> Q. Seecat. Seecat. Okay. With Mr. Seecat. And he is employed; correct?
>
> A. Correct.
>
> Q. Okay. So there is other income in the household?
>
> A. For him and his children, yes.
>
> Q. Okay. But you're in like -- okay. But you live in the household with him and his child. How old is the child?
>
> A. Ah, nine.
>
> Q. Okay. Um --
>
> A. He has two older boys too.
>
> Q. They're not in the house?
>
> A. Ah, sometimes.

Susan testified regarding her financial arrangement with Seecat, and that they had been together since before the divorce, as follows:

> [SUSAN]: Um, when I was asked who I live with and that there was other income in the house, yes, there is. Um, but unlike Brendan and I, Christian and I have separate accounts. We pay all of our own bills separately.
>
> Um, he has three children. One that's in the house. And my financials that they got. So I -- we have no credit card together. No bank cards or accounts. Nothing. He pays his bills. I pay mine.

> And he's not in a position to help, um. And the reason he's not in a position and the reason why the minor son is living there is he ended up getting custody of his son and physical custody of his son because his mom absconded with him.
>
> And so that was an -- um, everything used to be shared between those two people and to care for the son.
>
> So he's not in a position. And so just my testimony is there's no mixing of funds. My income is my income. His income is his income. And that's all I wanted to clarify.
>
> THE COURT: Any cross on that new testimony?
>
> . . . .
>
> Q. [(BY BRENDAN'S COUNSEL)] Um, just, so you have been together with Mr. Seecat since approximately 2014; correct?
>
> A. [(BY SUSAN)] Correct.
>
> Q. So before the divorce?
>
> A. Yes.
>
> Q. All the way up until the present?
>
> A. Correct.

"The effect of a cohabitation situation on the recipient's continuing need for spousal support is relevant." Amii v. Amii, 5 Haw. App. 385, 392-93, 695 P.2d 1194, 1199 (App. 1985) (citation omitted). Susan's challenges to these cohabitation-related findings go to the weight the Family Court accorded the above testimony. See Fisher, 111 Hawaiʻi at 46, 137 P.3d at 360. FOF 13's finding regarding her cohabitation with Seecat since 2014, and COL 13's factual-legal determination that Susan had "economically benefitted" from the co-habitation, were supported by substantial evidence and are not clearly erroneous. See Jacoby, 150 Hawaiʻi at 165, 498 P.3d at 696.

While we affirm the economic-benefit determination in COL 13, to the extent it represents the Family Court's

assessment of the first relevant Vorfeld circumstance of Susan's need, it is incomplete. Under Vorfeld, the analysis of this circumstance requires an examination of "[w]hat amount of money does [Susan] need to maintain the standard of living established during the marriage[.]" 8 Haw. App. at 403, 804 P.2d at 897. The remaining FOFs/COLs do not otherwise reflect an analysis of Susan's need. On remand, the analysis of Susan's need should be completed. See Muraoka, 7 Haw. App. at 439, 776 P.2d at 422-423.

We next address Susan's challenge to the mixed factual-legal determination in COL 14, that she "has the present ability to earn income." Susan does not challenge the first sentence in COL 14, which states, "[b]eing disabled does not necessarily mean inability to work or to earn income." Susan argues "[t]here is no evidence to support [Susan]'s present ability" to earn income; points to a 2009 physician's certification in evidence stating Susan was "totally" and "permanent[ly]" disabled since 1994; claims there was no "change in circumstances concerning [Susan]'s disability[,]" and Brendan "presented no evidence that [Susan]'s disability has improved."

Brendan responds that Susan "has never been able to reinstate" the disability payments, and that Susan "presented absolutely no evidence that she did anything to try to earn income."

Here, while the record contains testimony that appears related to Susan's "ability to earn income,"[7] we cannot discern

[7] The record reflects that Brendan testified that Susan was "smart[,]" "capable[,]" had "talent" as evidenced by her "organizational skills" and "tons of research on her medical conditions"; and that "in today's day and age there's opportunities" for "work from home" and "[f]lexible schedules." Aside from her testimony describing her disability, Susan testified that she helped Brendan with his business when they were together, as follows: "But even with him working I was helping. Part of the

what evidence the Family Court relied upon to support its mixed factual and legal determination in COL 14 that Susan "has the present ability to earn income." (Emphasis added.) See Applebaum v. Brooks, No. CAAP-11-0000692, 2012 WL 4878157, at *5 (Haw. App. Oct. 15, 2012) (mem. op.) (affirming family court's conclusion that no material change occurred in wife's circumstances where factors impacting wife's ability to support herself such as "[w]ife's age, length of time out of the workforce, limited employment and income prospects, and dependence on alimony support" were considered, along with wife's income and expenses). By comparison, the Family Court's analysis of Brendan's ability to pay spousal support, while incomplete, included predicate factual findings noting Brendan's declining AGI and increased expenses, which reflected how it arrived at its conclusion that there was a material change in the circumstance of Brendan's ability to pay.

Where a lower court has failed to issue any findings or has issued findings that are insufficient for meaningful appellate review, "it is not the function of the appellate court to conduct its own evidentiary analysis." Estate of Lucas, No. CAAP-21-0000498, 2025 WL 252626, at *4 (Haw. App. Jan. 21, 2025) (SDO) (quoting In re Elaine Emma Short Revocable Living Tr. Agreement Dated July 17, 1984, 147 Hawaiʻi 456, 465, 465 P.3d 903, 912 (2020)) (vacating a probate court order that concluded that two children were the "lawful issue" of a deceased trust beneficiary "[i]n the absence of sufficient findings," where the probate court did "not make any findings or articulate its

reason why he was such a good businessman for so long is because I helped him. I helped him build his business." Susan also testified that since the 2015 divorce she had not been collecting any Social Security disability income, and her only income was the monthly spousal support and "[i]nterest income."

reasoning" as to how an unadjudicated paternity petition "establishe[d] the legal conclusion" that the children were "'lawful issue'"); see In re Elaine Emma Short, 147 Hawaiʻi at 465, 465 P.3d at 912 ("[W]hen the lower court has failed to issue the requisite findings of fact to enable meaningful appellate review, it is not the function of the appellate court to conduct its own evidentiary analysis." (citation modified)). We conclude that the FOFs/COLs are insufficient for meaningful appellate review, where they contain no predicate reasoning for COL 14's mixed factual and legal determination that Susan "has the present ability to earn income." See Estate of Lucas, 2025 WL 252626, at *4; In re Elaine Emma Short, 147 Hawaiʻi at 465, 465 P.3d at 912.

In addition, to the extent COL 14 constituted the Family Court's assessment of the second relevant Vorfeld circumstance of Susan's ability to meet her own needs without spousal support, it is also incomplete. Under Vorfeld, the analysis of the second circumstance is intertwined with an assessment of the first relevant circumstance of Susan's need, which we have noted is not reflected in the FOFs/COLs. The analysis of the payee's "reasonable ability to meet" her own needs "without spousal support" requires "[t]aking into account the payee's income, or what it should be, including the net income producing capability of his or her property[.]" Vorfeld, 8 Haw. App. at 403, 804 P.2d at 897. The Family Court's determination in COL 14 that Susan had the "present ability to earn income" is not the equivalent of taking into account what the "payee's income . . . should be" as Vorfeld requires. Even if the Family Court is able to determine what Susan's income should be (**projected income**), it must also assess Susan's reasonable ability to meet her needs without the $1,800.00

monthly spousal support in light of such projected income. See Muraoka, 7 Haw. App. at 439, 776 P.2d at 422-423. For these reasons, we conclude that the challenged portion of COL 14 is insufficient for the purposes of the Vorfeld analysis and clearly erroneous. See L.R.O., 148 Hawai'i at 349, 475 P.3d at 1180.

3. COLs 9, 10 and 12

Regarding her challenge to COLs 9, 10, and 12 that concluded the 2015 alimony award was "transitional," Susan argues that the 2015 divorce decree explicitly stated that alimony would continue "for an indefinite period of time," not a fixed period of time.

Brendan counters that the family court in its 2015 oral ruling stated the alimony award would be "subject to material changes of circumstances at which time either party can file a motion with the Court to have that looked at again."

Susan's challenge to COL 9, that the Family Court erroneously concluded the alimony award was "transitional," has merit. The 2015 divorce decree ordered $1800.00 of monthly alimony "continuing for an indefinite period of time thereafter." (Emphasis added.) The family court's September 17, 2015 oral ruling awarded "indefinite" alimony, subject to a motion raising "material changes of circumstances," as follows:

> I'm going to award alimony in the amount of $1800.00 a month. That's for an indefinite period of time, but that would, of course, be subject to material changes of circumstances at which time either party can file a motion with the Court to have that looked at again.

(Emphases added.)

"Transitional" or "rehabilitative" alimony "usu[ally] has time limitations, such as a maximum of one or two years[,]"

and its purpose is "to assist a divorced person in acquiring the education or training required to find employment outside the home or to reenter the labor force"; on the other hand, "permanent" alimony is payable "either indefinitely or until a time specified by court order." Rehabilitative Alimony & Permanent Alimony, Black's Law Dictionary (12th ed. 2024).

Here, the 2015 divorce decree and the oral ruling did not award transitional alimony, and the family court's use of the term "indefinite" signifies permanent alimony, subject to further order of the court. Accordingly, COL 9's conclusion that the 2015 alimony award was "transitional, not permanent," was incorrect. See Jacoby, 150 Hawaiʻi at 165, 498 P.3d at 696 (reviewing a family court's COLs de novo (citation omitted)). COL 10, describing the "goal of transitional alimony," is also erroneous. COL 12's related conclusion that "the purpose of the original alimony order" (erroneously characterized as "transitional") was fulfilled, is also erroneous. The record reflects that the indefinite $1,800.00 per month spousal support payments in this case were not for a transitional or rehabilitative purpose of allowing Susan a gradual adjustment to a reduced standard of living. While it appeared to award permanent alimony, the family court indicated that its award was subject to future review by a motion raising a material change in circumstance, which is consistent with HRS § 580-47(d).

IV. CONCLUSION

While we affirm certain factual findings the Family Court made, we vacate the Order Granting Post-Decree Relief as exceeding the scope of the Family Court's discretion, in light of the errors and incomplete analyses set forth above. On remand, the Family Court must complete its three-part analyses under Vorfeld for the four relevant circumstances; determine

whether any of the relevant circumstances have materially changed; if so, whether there should be a modification of spousal support; and if so, what should the modification be, consistent with the "just and equitable" exercise of its discretion under HRS § 580-47(a) and (d). See Weinberg, 2016 WL 3144328, at *5 n.6; Vorfeld, 8 Haw. App. at 402-03, 804 P.2d at 897-98; Muraoka, 7 Haw. App. at 439, 776 P.2d at 422-423.

For the foregoing reasons, we vacate the May 31, 2024 Order Granting Post-Decree Relief, filed by the Family Court of the Second Circuit, and remand for further proceedings consistent with this Memorandum Opinion.

DATED: Honolulu, Hawaiʻi, October 28, 2026.

On the briefs:

Susan M. Welch,
Self-represented Defendant-Appellant.

Nicole C. Forelli,
for Plaintiff-Appellee.

/s/ Karen T. Nakasone
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge