

HAWAI‘I INTERMEDIATE COURT OF APPEALS

J.R. v. K.R.

J.R. v. K.R. · No. CAAP-25-0000467 · Decided May 8, 2026

SUMMARY

The Intermediate Court of Appeals of Hawai‘i vacated a default divorce decree because it granted relief beyond the claims stated in the complaint, including changes to visitation, child support, and disposition of marital property. The court held that the defendant lacked notice and an opportunity to respond to those new claims before default, and remanded for further proceedings.

CASE DETAILS

COURT	Hawai‘i Intermediate Court of Appeals
WRITING FOR THE COURT	Karen T. Nakasone, Chief Judge; Katherine G. Leonard, Associate Judge; Clyde J. Wadsworth, Associate Judge
JURISDICTION	Hawai‘i Intermediate Court of Appeals
DECIDED	May 8, 2026
DOCKET	CAAP-25-0000467
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a default divorce decree entered by the Family Court of the Third Circuit, arguing that the decree granted relief beyond the complaint and without adequate notice, service, or a proof hearing.
STANDARD OF REVIEW	The family court's decision is reviewed for abuse of discretion; its decision will not be set aside unless there was a manifest abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	K.R. v. J.R.

TOPICS

- default judgment
- family law procedure
- divorce
- service of process
- appellate procedure

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether a default divorce decree may grant relief different in kind from or exceeding the relief requested in the complaint.
2. Whether the family court could grant post-default relief concerning visitation, marital-property disposition, and child support without providing notice and an opportunity to respond.
3. Whether the family court abused its discretion by entering the challenged divorce decree.

HOLDINGS

1. A default judgment may not grant relief that is different in kind from or exceeds the relief prayed for before default. The family court abused its discretion by entering a divorce decree that imposed specific marital-property, child-support, and visitation terms not requested before default.
2. A party against whom default has been entered must receive notice of new claims or materially expanded relief before such relief may be included in a default judgment. Electronically filed documents requiring service must be conventionally served on a party who is not a JEFS user or who has not consented to electronic service.
3. The family court abused its discretion by entering the May 20, 2025 divorce decree with terms beyond those prayed for before default and without notice of the new claims.

KEY QUOTATIONS

“This appeal challenges the family court’s entry of a default divorce decree that contained terms beyond what was prayed for in the complaint. We vacate and remand.” (at 1)

“We conclude the Family Court abused its discretion in issuing the Divorce Decree, which contained terms that went beyond what was prayed for prior to default, and where Husband was not provided with notice of Wife’s new claims.” (at 6)

FACTUAL BACKGROUND

J.R.’s complaint requested supervised visitation as stated in an active protective order and a just and equitable division of all assets and debts, but it did not specifically identify the marital residence, request a particular child-support amount, or seek visitation at J.R.’s discretion after expiration of the protective order. After K.R. was defaulted, J.R. filed an asset statement, child-support worksheet, affidavit, and proposed decree seeking sale of the marital residence, equal division of its equity, \$1,200 monthly child support, and expanded visitation restrictions. The record did not show that these post-default filings were conventionally served on K.R.

PROCEDURAL HISTORY

J.R. filed a complaint for divorce requesting supervised visitation under an active protective order and equitable division of all assets and debts. K.R. was served with the complaint but did not appear, and the family court entered default. After default, J.R. filed documents seeking specific disposition of the marital residence, increased child support, and broader visitation restrictions; the filings were not conventionally served on K.R. The family court entered the proposed divorce decree on May 20, 2025, and K.R. timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the Family Court's May 20, 2025 Divorce Decree and conduct further proceedings consistent with the Summary Disposition Order.

CASES CITED

- Uyeno v. Uyeno, 105 Hawai'i 335, 340-41, 97 P.3d 411, 416-17 (App. 2004)
- MD v. JR, No. CAAP-XX-XXXXXXX, 2022 WL 3011147, at *2-5 (Haw. App. July 29, 2022) (mem. op.)
- Kakinami v. Kakinami, 127 Hawai'i 126, 136, 276 P.3d 695, 705 (2012)

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