

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

A.P. v. S.B.

A.P. v. S.B. · No. CAAP-23-0000585 · Decided March 27, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals reviews a divorce proceeding involving temporary spousal support, child support, and division of marital property. The court concludes that the Family Court acted within its discretion in considering prior trust distributions as financial resources, imputing income for child-support purposes, and applying the Partnership Model Division. The appeal is affirmed.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Katherine G. Leonard, Presiding Judge; Keith K. Hiraoka, Associate Judge; Clyde J. Wadsworth, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	March 27, 2026
DOCKET	CAAP-23-0000585
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Family Court of the Third Circuit's Amended Decree Granting Absolute Divorce and Awarding Child Custody.
STANDARD OF REVIEW	Family-court decisions are reviewed for manifest abuse of discretion; findings of fact are reviewed for clear error and are upheld if supported by substantial evidence; conclusions of law are reviewed de novo under the right/wrong standard; mixed questions of fact and law are reviewed under the clearly erroneous standard when dependent on the facts and circumstances.
PRECEDENTIAL VALUE	unpublished
PARTIES	A.P. v. S.B.

TOPICS

- family law procedure
- divorce
- spousal support
- child support
- equitable distribution

PRACTICE AREAS

family law

divorce

spousal support

child support

equitable distribution

trusts

appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court improperly treated trust assets or prior trust distributions as A.P.'s financial resources when awarding temporary spousal support.
2. Whether the temporary spousal support award improperly exceeded S.B.'s demonstrated needs or otherwise abused the Family Court's discretion.
3. Whether the Family Court properly included trust distributions and temporary spousal support in calculating child support under the 2020 Hawai'i Child Support Guidelines.
4. Whether A.P. was entitled to Category 1 credits for premarital accounts that remained marital separate property.
5. Whether A.P. was entitled to Category 3 credits for gifts, inheritances, and an insurance payment that remained marital separate property.
6. Whether the Family Court properly reduced A.P.'s equalization payment based on valid and relevant considerations justifying deviation from the marital Partnership Model Division.

HOLDINGS

1. The Family Court did not impute the corpus or value of either trust to A.P. and acted within its discretion by considering her former regular and consistent trust distributions as part of her financial resources for temporary spousal support.
2. The Family Court acted within its discretion by calculating temporary spousal support using one-half of the parties' monthly marital-property savings, together with S.B.'s monthly shortfall, to maintain the marital standard of living.
3. The Family Court acted within its discretion by including A.P.'s former trust distributions and S.B.'s temporary spousal-support payments in the parties' child-support income calculations and by applying the 2020 Child Support Guidelines.
4. A.P. was not entitled to Category 1 credits for her premarital Roth IRA and brokerage account because the evidence supported the Family Court's determination that the accounts remained marital separate property rather than becoming marital partnership property.
5. A.P. was not entitled to Category 3 credits for the life-insurance payment and gifts or inheritances because the evidence supported the determination that those assets remained marital separate property and did not become marital partnership property.
6. The Family Court properly reduced A.P.'s equalization payment because its findings established valid and relevant considerations supporting an equitable deviation from the marital Partnership Model Division.

KEY QUOTATIONS

“The family court has broader discretion to award temporary support than when awarding permanent support and maintenance.” (8)

“Here, the Family Court did not divide Wife's reasonably expected post-divorce trust distributions with Husband.” (18)

FACTUAL BACKGROUND

A.P. and S.B. married in 2005 and had children. A.P. was a beneficiary of the Mellon Bank Trust and Earl M. Craig Trust and had historically received trust distributions, including \$12,500 per month from the Craig Trust and an annual Mellon Trust distribution. The Family Court considered those distributions, the parties' income and expenses, and their respective financial resources in awarding temporary spousal support and child support. It also denied A.P. credits for premarital and gifted property that remained marital separate property and reduced her equalization payment based on valid and relevant considerations concerning her substantially greater financial resources and expected access to trust distributions.

PROCEDURAL HISTORY

A.P. filed for divorce on February 25, 2020. The Family Court entered a divorce decree on May 25, 2023, and an amended decree on October 5, 2023, after further proceedings concerning support, custody, and property division. A.P. appealed, challenging temporary spousal support, child support, Category 1 and Category 3 property credits, and the reduction of her equalization payment. The Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hamilton v. Hamilton, 138 Hawai‘i 185, 197, 200-02, 206, 208, 378 P.3d 901, 913, 916-18, 922, 924 (2016)
- Est. of Klink ex rel. Klink v. State, 113 Hawai‘i 332, 351, 152 P.3d 504, 523 (2007)
- Fisher v. Fisher, 111 Hawai‘i 41, 46, 137 P.3d 355, 360 (2006)
- Coon v. City & County of Honolulu, 98 Hawai‘i 233, 260, 47 P.3d 348, 375 (2002)
- Sussman v. Sussman, 112 Hawai‘i 437, 440-41, 146 P.3d 597, 600-01 (App. 2006)
- Schiller v. Schiller, 120 Hawai‘i 283, 305-06, 308, 205 P.3d 548, 570-71, 573 (App. 2009)
- Farias v. Farias, 58 Haw. 227, 232, 566 P.2d 1104, 1108 (1977)
- Gordon v. Gordon, 135 Hawai‘i 340, 356, 350 P.3d 1008, 1024 (2015)
- Jacoby v. Jacoby, 150 Hawai‘i 158, 498 P.3d 689 (2021)
- Cassiday v. Cassiday, 6 Haw. App. 207, 716 P.2d 1145 (1985), aff’d in part, rev’d in part, 68 Haw. 383, 716 P.2d 1133 (1986)
- JZ v. JZ, No. CAAP-XX-XXXXXXX, 2020 WL 2575458 (Haw. App. May 21, 2020) (mem. op.)
- CH v. Child Support Enforcement Agency, 149 Hawai‘i 523, 532 n.5, 537 n.7, 495 P.3d 373, 382 n.5, 387 n.7 (App. 2021)

- Jackson v. Jackson, 84 Hawai‘i 319, 332-33, 933 P.2d 1353, 1366-67 (App. 1997)

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