

Introduction to the 2022 Supplement to the Hawaii Divorce Manual – William C. “Bill” Darrah, Attorney, The Law Offices of William C. Darrah.

Since it was first published nearly 50 years ago, the HSBA's Hawaii Divorce Manual has become the undisputed number one go to resource for lawyers and judges alike.

The Manual includes individual sections on every substantive aspect of divorce, a completely comprehensive and entirely word searchable encyclopedia of Hawaii divorce law and practice, word searchable digests of all significant ICA and Supreme Court published opinions, memorandum opinions, SDO's, and other citable disposition orders relating to divorce, word searchable digests all divorce relevant statutes, copies of all of the HFCR 83 Family Court policy and procedure memoranda issued by all the Family Court of all circuits pursuant to Hawaii Family Court Rule 83, and lists of current Family Court practice forms promulgated pursuant to Hawaii Family Court Rule 84. No other practice tool comes close to providing this level of research capability.

The Manual was last updated as of August 31, 2019.

Since the Manual was last updated the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court have collectively issued an unprecedented sixty-three (63) published opinions, memorandum opinions, summary disposition orders, and other orders of relevance to divorcing individuals. In many cases, these cases set forth rules and principles of law and practice not previously described in any statute, Family Court Rule, or appellate court determination. The topics addressed include (a) legal custody, (b) physical custody, (c) division of property, (d) allocation of indebtedness, (e) child support, (f) child education, (g) child healthcare, (h) alimony, (i) legal fees and costs, (j) premarital agreements, (k) postnuptial agreements, (l) admissibility of evidence, (m) expert testimony, and (n) contested divorce procedures.

In addition, since the last Manual update, the Hawaii Legislature has passed a number of new statutes of relevance to divorcing individuals. They involve (a) one's ability to file for divorce, (b) the extent to which certain forms of retirement can be divided, and (c) the enforceability of judgments for both child support, and alimony.

The Manual Project was formed in 2021 as a collaborative effort among the HSBA, the HSBA's Family Law Section, the William S. Richardson Law School,

the Family Court, and the Mediation Center of the Pacific to ensure the perpetuation of the Manual in future years. Because of the unprecedented number of new statutes and cases since the Manual was last supplemented, as well as anticipated further developments of significance affecting divorce practice in a variety of ways, there will be both a 2022 Supplement to the Manual ("HDM22") and a 2023 Supplement to the Manual ("HDM23").

HDM22 will update Sections 1 (Introduction), 2 (Divorce Overview), 5 (Retirement Assets), 11 (Divorce and Paternity), 12 (Divorce and Older People), 13 (Divorce and the Military), 14 (Divorce and Bankruptcy), 16 (Divorce Ethics), 17 (Divorce ADR), 18 (Divorce Appeals), 19 (Divorce Cases), 20 (Divorce Statutes), 21 (Divorce Rules), 22 (Family Court Memos), 23 (Divorce Forms) and 25 (Archived Materials) of the Manual.

There will be an "Introduction to the 2022 Supplement of the Hawaii Divorce Manual" presentation between 9:15 AM and 10:30 AM at the HSBA Bar Convention on Friday, October 14, 2022. It will include the following:

- A brief introduction to the Manual generally, and to HDM22 in particular.
- A presentation on the most significant ICA and Supreme Court cases decided since August 2019.
- A presentation on the newest statutes, and the newest Hawaii Family Court Rules.
- A presentation on the newest HFCR 83 Family Court policy memos, and the newest HFCR 84 Family Court practice forms.
- A description of the particularly notable highlights of the other updated Sections in HDM22.
- A look forward to the next twelve (12) months, and HDM23.

One does not need to have a copy of HDM22 on hand to benefit from the Introduction to the 2022 Supplement of the Hawaii Divorce Manual presentation on October 14, 2022. There will be a PowerPoint, and participants will receive a copy in advance.