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## A BILL FOR AN ACT

RELATING TO CHILD CUSTODY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 580-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§580-11 Care, custody, education, and maintenance of  
4 children pendente lite. (a) During the pendency of any action  
5 for divorce or separation the court may make such orders  
6 concerning the care, custody, education, and maintenance of the  
7 minor children of the parties to the action as law and justice  
8 may require and may enforce the orders by summary process. The  
9 court may revise and amend the orders from time to time.

10 (b) Upon the application of either party for a temporary  
11 order concerning the care, custody, education, and maintenance  
12 of the minor children of the parties, the court shall issue an  
13 order that shall remain in effect during the pendency of the  
14 action for divorce or separation and until a final order is  
15 awarded under section 571-46 or 576-46.1; provided that no other  
16 state has jurisdiction over the minor children of the parties.  
17 If no other proceeding concerning the care, custody, education,



1 and maintenance of the minor children commences during the  
2 pendency of the action for divorce or separation, then the order  
3 made under this section shall become final.

4 (c) If the parties requesting an order under this section  
5 live in the same county or school district, custody and  
6 visitation shall be shared equally unless the court finds that a  
7 party is unable to provide for the best interest of the minor  
8 children or there is sufficient evidence of any past or current  
9 spousal abuse or family violence between the parties or by a  
10 party in the presence of the minor children."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Tom Rosen  
[Signature]

JAN 29 2015



# H.B. NO. 1449

**Report Title:**

Divorce or Separation; Child Custody; Parity

**Description:**

Requires that in a divorce or separation action that the court issue a temporary custody order effective for the pendency of the action upon the request of a party. Requires that parties who live in the same county or school district share custody and visitation equally, subject to certain limitations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

