

2019 Shared Parenting Report Card

National Parents Organization conducted a review of the child custody laws of all 50 states and graded them on the degree to which these laws promote shared parenting, the arrangement that research shows is in children’s best interest after divorce or separation. Hawaii received a ‘C’ for its child custody statutes. (Visit sharedparenting.org.)



State Details

State	Grade	Positives	Negatives
Hawaii HAW.REV.STAT.§571-46 HAW. REV. STAT. § 571-46(17)(b)(16)	C	Hawaii considers “[e]ach parent’s actions demonstrating that they allow the child to maintain family connections through family events and activities,” each parent’s ability to “separate the child’s needs from the parent’s needs,” and “[a] parent’s prior willful misuse of the protection from abuse process ... to gain tactical advantage in any proceeding involving the custody determination of a minor,” as factors in determining what custodial arrangement is in a child’s best interest. HAW. REV. STAT. § 571-46 Hawaii meets the minimum threshold of encouraging shared parenting. Hawaii statutes treat false allegations of abuse as a factor in custody decisions. HAW. REV. STAT. § 571-46(17)(b)(16)	Hawaii has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Hawaii statutes do not explicitly provide for shared parenting during temporary orders. Hawaii’s definition of “joint custody” is weak. It requires joint legal custody but, with respect to physical custody, it requires only “frequent, continuing, and meaningful contact with both parents.” HAW. REV. STAT. § 571-46

How Can Hawaii Improve?

Recommendation # 1- Presumption of Equal Shared Parenting for Permanent and Temporary Orders

NPO recommends that Hawaii strengthen its definition of 'joint custody' to include substantially equal parenting time, in addition to joint legal custody. House Bill 107 (2020) is an excellent instrument for doing this.

Recommendation #2 - Presumption of Equal Shared Parenting During Temporary Orders

NPO encourages Hawaii to enact an explicit rebuttable presumption of equal parenting during temporary orders. This provides the child(ren) with continuity of relationships with both parents during the period when the court lacks sufficient evidence for a final custody determination.

Recommendation # 3- Tracking Parenting Time Orders

NPO strongly recommends that the Hawaii legislature require each county court that handles child custody cases to maintain records of the division of parenting time, tracked by overnights or equivalent, for all cases of divorce involving minor children and for paternity cases, and to compile and publish these statistics annually, separating marital from non-marital cases and agreed judgments from court-imposed judgments.

About NPO

National Parents Organization seeks to promote children's wellbeing by making equal shared parenting the norm when parents are living apart. This is the separated parenting arrangement that research shows is typically in children's best interest.

Join National Parents Organization to help achieve its goals.

For more information, visit nationalparentsorganization.org

Email: joinus@nationalparentsorganization.org

How Does Hawaii Compare to Other States?

Summary: State Grades	
Grade	2019
A	2
B	7
C	26
D	14
F	2
Average	C-