

HUStestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 3:06 PM
To: HUStestimony
Cc: tsymons.uluwini@gmail.com
Subject: Submitted testimony for HB435 on Feb 3, 2017 09:00AM

HB435

Submitted on: 2/1/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons- HAPI	Individual	Support	No

Comments: STRONG Support!!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HUStestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 2:35 PM
To: HUStestimony
Cc: cchaudron08@gmail.com
Subject: *Submitted testimony for HB435 on Feb 3, 2017 09:00AM*

HB435

Submitted on: 2/1/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Camila Chaudron	Individual	Support	No

Comments:

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**FAMILY LAW SECTION
OF THE
HAWAII STATE BAR ASSOCIATION**

c/o 841 Bishop Street, Ste. 480, Honolulu, Hawaii 96813
www.hawaiifamilylawsection.org

February 2, 2017

TO: Representative Dee Morikawa, Chair
Representative Chris Todd, Vice Chair
Senate Committee on Judiciary and Labor

FROM: LYNNAE LEE, Chair
TOM TANIMOTO, Vice-Chair
Family Law Section of the Hawaii State Bar Association

CHAIR
LYNNAE LEE
llee@lia-hawaiiaw.com
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ANTHONY PERRAULT
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TREASURER
NAOKO MIYAMOTO
N.Miyamoto@hifamlaw.com

HEARING DATE: February 3, 2017 at 9 a.m.

RE: Testimony in Opposition to HB435 Relating to Grandparents

Dear Chair Morikawa, Vice Chair Todd, and fellow committee members:

We are writing in opposition to HB435 on behalf of the Family Law Section of the Hawaii State Bar Association which is comprised of approximately 140 members statewide all practicing and/or expressing an interest in Family Law.

FLS would note that it is beyond axiomatic that grandparents love their grandchildren and vice-versa. The landscape concerning the standing of grandparents to seek custody and/or visitation in family court over grandchildren must however, be respectful of the rights of parents.

It is well known that although the U.S. Supreme Court's decision in Troxel v. Granville, 530 U.S. 57 (2000) rendered Haw. Rev. Stat. 571-46.3 infirm, it provides the now familiar guidelines that permit grandparents standing to seek visitation in a family court, namely when the welfare of grandchildren is concerned. Instead of just ministerially eliminating HRS 571-46.3, SB422 seeks to replace it with a whole bunch of provisions which attempt to respect and not run afoul of the Troxel mandate. While well-meaning, SB422 may yet again exceed the limitations set forth in Troxel, thereby triggering further and lengthy litigation of constitutional proportions. SB422 calls for a rebuttable presumption accorded to parent's decisions concerning visitation, and we submit that it is an untested proposition whether such a provision will withstand constitutional scrutiny. SB422 may in fact head right back towards the U.S. Supreme Court the first instance it is invoked in the Hawaii Family Court. Clearly, the rights of parents to raise their children are paramount and any attempt to limit (in any way) those rights, must be done so with the utmost sensitivity and adherence to the Troxel ruling.

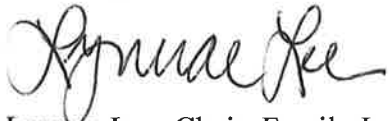
The Family Court does have sufficient guidance in Haw. Rev. Set. 571-46 with respect to determining what custody and visitation awards are in the best interests of children. Moreover, visitation awards can be made to non-parents, including grandparents. HRS 571-46(a)(2) is already clear that not only parents can be awarded custody. When the matter of a child's welfare is at stake, DHS has the power to step in with far more alacrity than any grandparent petition. In such instances, a DHS petition has at the forefront the goal of reunification of children and parents, through providing support and services to the nuclear family, while there is no guarantee of the same goal and services under a grandparent petition.

In summary, an all-new revised statutory provision as proposed by HB435 can result in a flood of grandparents seeking custody and visitation due to the appearance that they now have a brand new panoply of "rights." It goes without saying that the Family Court is overloaded as is, without an explosion in grandparent custody and visitation litigation.

For the reasons stated above, the Family Law Section opposes HB435.

Thank you for the opportunity to provide testimony on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynnae Lee". The signature is fluid and cursive, with the first name being more prominent.

Lynnae Lee, Chair, Family Law Section
Tom Tanimoto, Vice-Chair, Family Law Section

NOTE: *The comments and recommendations submitted reflect the position/viewpoint of the Family Law Section of the HSBA. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors, and is not being endorsed by the Hawaii State Bar Association.*

todd2 - Chloe

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 5:02 AM
To: HUSstestimony
Cc: strider4jesus@aol.com
Subject: Submitted testimony for HB435 on Feb 3, 2017 09:00AM

HB435

Submitted on: 2/3/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Strider Didymus	Individual	Support	No

Comments: Please pass this, let us NOT have another "Peter Boy" incident where the biological grandparents had no rights to keep him and he ended up dead as a result.

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todd2 - Chloe

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 10:37 PM
To: HUS testimony
Cc: erinrutherford815@gmail.com
Subject: *Submitted testimony for HB435 on Feb 3, 2017 09:00AM*

HB435

Submitted on: 2/2/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Rutherford	Individual	Support	No

Comments:

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LATE

COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair
Rep. Chris Todd, Vice Chair

Rep. Della Au Belatti Rep. Marcus R. Oshiro
Rep. Sharon E. Har Rep. Andria P.L. Tupola
Rep. Bertrand Kobayashi

AMENDED NOTICE OF HEARING

DATE: Friday, February 3, 2017
TIME: 9:00 A.M.
PLACE: Conference Room 329

Testimony of James E. Coon Speaking in Support of HB 435

Chair Morikawa, Vice Chair Todd and Members of the HUS Committee:

My name is James E. Coon and I am testifying as a concerned Citizen and Grandparent who is helping to raise their first grandchild. This bill would allow family court to award a grandparent, upon petition to the court, custody or visitation if it is in the best interest of the child and denial of such custody or visitation would cause significant harm to the child.

This basic "best interest of the child" right as presented in HB 435 needs to be available to the family court and would be a great disservice to our community if it were denied.

I humbly request that you pass this worthy bill HB 435.

Sincerely,

James E. Coon

captcoon@gmail.com

808-870-915

PO Box 847, Kula, HI 96790

