

STAND. COM. REP. NO.

1212

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 56  
H.D. 2  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 56, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD VISITATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit the Family Court to award grandparents reasonable visitation rights; provided that denial of visitation would cause significant harm to the child;
- (2) Establish a rebuttable presumption that a parent's decision regarding visitation is in the best interests of the child; and
- (3) Identify factors that the Family Court shall consider when awarding grandparent visitation rights.

Your Committee finds that this measure addresses and clarifies current statutes regarding grandparent visitation rights.

Your Committee on Human Services requested that your Committee evaluate whether the factors to be considered by the Family Court in awarding visitation appropriately address domestic violence concerns. After careful consideration, your Committee believes that the consideration of criteria from section

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571-46(a)(9) and (10), Hawaii Revised Statutes, and of whether grandparents have previously violated or assisted a parent in violating a temporary restraining order or protective order provides an appropriate safeguard in situations where domestic violence issues have been raised.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2051, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 56, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 56, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB56, HD2, SD1</b>	Committee Referral: <b>HMS, JDL</b>	Date: <b>4/6/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Pass, unamended 2312</span> <span><input checked="" type="checkbox"/> Pass, with amendments 2311</span> <span><input type="checkbox"/> Hold 2310</span> <span><input type="checkbox"/> Recommit 2313</span> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	E MS	✓		
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

\*Only one measure per Record of Votes