

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO GRANDPARENTS.

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

1           SECTION 1. Section 571-46.3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§571-46.3 Grandparents' custody and visitation rights;  
4 petition; notice; order. (a) A grandparent of a minor child  
5 may file a petition with the court for an order of custody. The  
6 court may award custody provided that the following criteria are  
7 met:

8           (1) This State is the home state of the child at the time  
9           of the commencement of the proceeding;

10           (2) An award of custody is in the best interest of the  
11           child; and

12           (3) Denial of custody would cause significant harm to the  
13           child.

14           (b) A grandparent [~~or the grandparents~~] of a minor child  
15 may file a petition with the court for an order of reasonable  
16 visitation rights. The court may award reasonable visitation  
17 rights provided that the following criteria are met:



1 (1) This State is the home state of the child at the time  
2 of the commencement of the proceeding; [and  
3 ~~(2) Reasonable visitation rights are in the best interests~~  
4 ~~of the child.]~~

5 (2) Grandparent visitation is in the best interest of the  
6 child; and

7 (3) Denial of reasonable grandparent visitation rights  
8 would cause significant harm to the child.

9 (c) Unless otherwise provided by this section, in ruling  
10 on a petition for custody or visitation rights by a grandparent,  
11 the court shall be guided by all standards, considerations, and  
12 procedures for custody and visitation provided under section  
13 571-46.

14 (d) No hearing for an order of custody or reasonable  
15 visitation rights under this section shall be had unless each of  
16 the living parents and the child's custodians shall have had due  
17 notice, actual or constructive, of the allegations of the  
18 petition and of the time and place of the hearing thereof.

19 An order made pursuant to this section shall be enforceable  
20 by the court, and the court may issue other orders to carry out  
21 these enforcement powers if in the best interests of the child."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 542

**Report Title:**

Kupuna Caucus; Child Custody; Visitation; Grandparents

**Description:**

Allows the 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.

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

