
A BILL FOR AN ACT

RELATING TO CHILD VISITATION.

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

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

"§571-46.3 Grandparents' visitation rights; petition; notice; order. (a) A grandparent or the grandparents of a minor child may file a petition with the court for an order of reasonable visitation rights. The court may award reasonable visitation rights provided that the following ~~[criteria are met;]~~ findings are made:

(1) ~~[This]~~ The State is the home state of the child at the time of the commencement of the proceeding; and

(2) ~~[Reasonable visitation rights are in the best interests of the child.]~~ The petitioner's child who is the parent of the minor child is otherwise unable to exercise parental visitation of the minor child.

(b) Notwithstanding subsection (a), the court may award reasonable grandparent visitation rights if the parent is unable



1 to exercise their parental right of visitation due to
2 incarceration or death.

3 (c) No hearing for an order of reasonable visitation
4 rights under this section shall ~~[be had unless]~~ commence until
5 each of the living parents and the child's custodians ~~[shall~~
6 ~~have had]~~ are provided due notice, actual or constructive, of
7 the allegations of the petition and of the time and place of the
8 hearing ~~[thereof]~~.

9 (d) In any proceeding on a petition filed pursuant to this
10 section, there shall be a rebuttable presumption that a parent's
11 decision regarding visitation is in the best interest of the
12 child. The presumption may be rebutted by a preponderance of
13 the evidence that denial of reasonable grandparent visitation
14 rights would cause significant harm to the child.

15 (e) In awarding reasonable grandparent visitation, the
16 court shall be guided by all standards, considerations, and
17 procedures for parent visitation rights under section 571-46.

18 (f) An order ~~[made]~~ issued pursuant to this section shall
19 be enforceable by the court, and the court may issue other
20 orders to carry out these enforcement powers if in the best
21 interests of the child.



1 (g) In the case where a grandparent or the grandparents of
2 a minor child violate the terms and conditions of an order
3 awarding reasonable visitation rights pursuant to subsection
4 (a), the grandparent or grandparents shall be subject to
5 sanctions as determined by the court and in accordance with
6 section 571-81."

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

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

Child Custody; Grandparent Visitation

Description:

Allows grandparents of a minor child to be awarded reasonable visitation rights when the child's parent is unable to exercise parental visitation. Sets forth procedures, considerations, and standards for the court to grant grandparent visiting rights. Specifies that a violation of the terms and conditions of the court order granting grandparent reasonable visiting rights is punishable as contempt of court. (SD1)

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