

---

## A BILL FOR AN ACT

RELATING TO CHILD VISITATION.

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

1           SECTION 1. The legislature finds that people in the State  
2 face many challenges to sustaining a nuclear family, including  
3 the high cost of living and, in some instances, substance abuse  
4 or incarceration. The legislature further finds that due to  
5 custody disputes during a breakdown in nuclear households,  
6 grandparents may find themselves estranged from their  
7 grandchildren through no fault of their own.

8           The legislature recognizes that ties created with  
9 grandparents are crucial to ensuring a sense of safety and  
10 security among children, especially those who may have  
11 experienced traumatic life changes. Additionally, the  
12 legislature notes that there is value in raising children in  
13 multigenerational settings and older generations often provide a  
14 solid foundation of cultural heritage and family history for  
15 children. The legislature also finds that grandparents are  
16 vital, permanent, and much needed caretakers for children.



1           Accordingly, the purpose of the Act is to clarify  
2 guidelines for family courts in the State when considering  
3 whether to award visitation rights to grandparents.

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

6           "**§571-46.3 Grandparents' visitation rights; petition;  
7 notice; order.** (a) A grandparent or the grandparents of a  
8 minor child may file a petition with the court for an order of  
9 reasonable visitation rights. The court may award reasonable  
10 visitation rights provided that the following [~~criteria are~~  
11 ~~met:~~] findings are made:

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

16           (2) Grandparent visitation is in the best interest of the  
17 child; and

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

20           (b) No hearing for an order of reasonable visitation  
21 rights under this section shall be [~~had~~] awarded unless each of

1 the living parents and the child's custodians [~~shall have had~~]  
2 are provided due notice, actual or constructive, of the  
3 allegations of the petition and of the time and place of the  
4 hearing [~~thereof~~].

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

11 (d) In awarding reasonable grandparent visitation, the  
12 court shall be guided by all standards, considerations, and  
13 procedures for parent visitation rights under section 571-46.

14 (e) An order made pursuant to this section shall be  
15 enforceable by the court, and the court may issue other orders  
16 to carry out these enforcement powers if in the best interests  
17 of the child.

18 (f) In the case where a grandparent or the grandparents of  
19 a minor child violates the terms and conditions of an order  
20 awarding reasonable visitation rights pursuant to subsection  
21 (a), the grandparent or grandparents shall be subject to



1 sanctions as determined by the court and in accordance with  
2 section 571-81."


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

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

  
\_\_\_\_\_

JAN 21 2022



# H.B. NO. 1913

**Report Title:**

Child Custody; Grandparent Visitation Rights; Guidelines

**Description:**

Requires a finding that denial of reasonable grandparent visitation rights would cause significant harm to a child as a condition of awarding grandparent visitation rights. Clarifies procedures for an order awarding reasonable grandparent visitation rights. Specifies that a violation of the terms and conditions of the order is punishable as contempt of court.

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

