

STAND. COM. REP. NO.

1405

Honolulu, Hawaii

MAR 21, 2023

RE: S.B. No. 406
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 406, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow the court to award reasonable visitation rights to a petitioning grandparent of a minor child when the child's parent is unable to exercise parental visitation due to death or incarceration and denial of reasonable grandparent visitation rights would cause significant harm to the child;
- (2) Require the court to follow the same procedures, considerations, and standards for the granting of grandparent visitation rights as are used when awarding other visitation rights; and
- (3) Specify that persons violating an order awarding reasonable grandparent visitation rights are subject to sanctions.

2023-2543 SB406 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from Grandparents Rights Hawaii Campaign and seven individuals.

Your Committee finds that many grandparents in Hawaii desire to maintain their relationship with or assist in caring for their minor grandchildren when the grandchild's parent cannot otherwise exercise parental visitation of the minor child due to death or incarceration. This measure will allow grandparents to petition for and be awarded reasonable grandparent visitation rights in these limited circumstances, while preserving the fundamental right of parents to make decisions concerning the care, custody, and control of their children, by setting a rebuttable presumption that a parent's or custodian's decision regarding visitation is in the best interest of the child.

Your Committee has amended this measure by:

- (1) Changing the effective date to June 30, 2023; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

Your Committee grants prior concurrence on this measure to your Committee on Judiciary & Hawaiian Affairs to make any amendments it deems necessary.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 406, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 406, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOHN M. MIZUNO, Chair



