



GOV. MSG. NO. 1178

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

SB406 SD1 HD2

RELATING TO CHILD VISITATION.  
**ACT 077**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUN 14 2023

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO. 406  
S.D. 1  
H.D. 2

A BILL FOR AN ACT

RELATING TO CHILD VISITATION.

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

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

11 (2) [~~Reasonable visitation rights are in the best~~  
12 ~~interests of the child.~~] The petitioner's child, who  
13 is a parent of the minor child, is otherwise unable to  
14 exercise parental visitation of the minor child due to  
15 incarceration or death; and

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



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

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

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

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

20        (f) Any person who violates the terms and conditions of an  
21 order awarding reasonable grandparent visitation rights pursuant



1 to subsection (a) shall be subject to sanctions as determined by  
2 the court and in accordance with section 571-81."

3 SECTION 2. 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 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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

APPROVED this 14th day of June, 2023



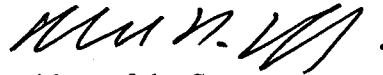
GOVERNOR OF THE STATE OF HAWAII




**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 18, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

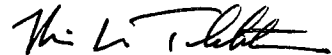
THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: April 3, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives