

ACT 20

H.B. NO. 2851

A Bill for an Act Relating to Grandparents' Visitation Rights.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to delete the requirement that grandparents may be awarded visitation rights only if the parents of the child are divorced, residing apart, or one or both parents are deceased.

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

“~~[[§571-46.3]] Grandparents' visitation rights; petition; notice; or-~~ **der.** 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:

- (1) This 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; and
- (3) Either or both of the child's parents are deceased, or the child's parents are divorced or residing separate and apart].

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

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

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 15, 1998.)