
A BILL FOR AN ACT

RELATING TO CHILD CUSTODY.

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

1 SECTION 1. Section 571-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Electronic communication" means communication that is
5 facilitated by any wired or wireless technology via the Internet
6 or any other electronic media, including but not limited to
7 communication by telephone, electronic mail, instant messaging,
8 video conferencing, and web camera."

9 SECTION 2. Chapter 571, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§571- Visitation by electronic communication. (a) An
13 award of visitation rights to a parent may provide for
14 visitation by electronic communication.

15 (b) In awarding visitation by electronic communication, a
16 court shall consider:

17 (1) Whether visitation by electronic communication is in
18 the best interest of the child, which shall be



1 determined by application of the criteria set out in
2 section 571-46(b);

3 (2) Whether the equipment necessary for electronic
4 communication is available, accessible, and affordable
5 to the parents of the child; and

6 (3) Any other factors the court deems appropriate in
7 determining whether to grant visitation by electronic
8 communication.

9 (c) In awarding visitation by electronic communication,
10 the court may set guidelines, including the hours during which
11 the communication may take place, the allocation of costs
12 between the parents in implementing electronic communication
13 with the child, and the furnishing of access information between
14 parents necessary to facilitate electronic communication.

15 (d) Electronic communication may be used to supplement
16 visitation with the child.

17 (e) Electronic communication shall not be used to:

18 (1) Replace or substitute custody or visitation except
19 where the parent seeking visitation by electronic
20 communication is unable to participate in physical
21 visitation due to circumstances including military
22 deployment; or



1 (2) Justify or support the relocation of a parent.
2 (f) Visitation by electronic communication between the
3 child and the parent may be subject to supervision as ordered by
4 the court."

5 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Cindy Evans
JAN 21 2011

Report Title:

Child Custody and Visitation; Electronic Communication

Description:

Clarifies that awards of visitation rights may include visitation by electronic communication. Establishes factors that shall be considered and authorizes courts to set guidelines for visitation by electronic communication.

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

