

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 56
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 56, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit the Family Court to award reasonable visitation to grandparents if the denial of visitation would cause significant demonstrable harm to the child;
- (2) Establish a rebuttable presumption that visitation decisions made by a parent are in the best interests of the child; provided that the presumption may be rebutted by clear and convincing evidence; and
- (3) Establish factors that the Court may consider in awarding visitation.

Your Committee received testimony in support of this measure from the Texas Senate Committee on Veteran Affairs & Military Installations, Office of Hawaiian Affairs, Hawaii State Bar Association Family Law Section, and six individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that there is support for permitting reasonable visitation for a grandparent or grandparents with their



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minor grandchild. Your Committee further finds that this measure addresses the issue of grandparent visitation rights.

Your Committee has heard the concerns regarding an exemption for custody and visitation where issues of domestic violence are present. Your Committee respectfully requests that your Committee on Judiciary and Labor evaluate whether the factors the Court may consider in awarding visitation, as proposed by this measure, appropriately address these concerns.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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 H.B. No. 56, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 56, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* <i>HB 56, HD2</i>	Committee Referral: <i>HMS, JDL</i>	Date: <i>3/18/11</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	/			
IHARA, Jr., Les (VC)	/			
GREEN, M.D., Josh	/			
SLOM, Sam				/
TOTAL	3	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>JLM</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes