

HB56,HD2

Measure Title: RELATING TO CHILD VISITATION.

Report Title: Child Custody; Grandparent Visitation

Description: Permits family court to award reasonable visitation to grandparents if the denial of visitation would cause significant harm to the child. Establishes a rebuttable presumption that visitation decisions made by a parent are in the best interests of the child. Presumption may be rebutted by clear and convincing evidence. Identifies factors the court may consider in awarding visitation. Effective July 1, 2050. (HB56 HD2)

Companion: SB969

Package: None

Current Referral: HMS, JDL

Introducer(s): TAKAI, AQUINO, AWANA, BROWER, HANOHANO, ITO, MARUMOTO, MCKELVEY, MIZUNO, NISHIMOTO, PINE, Keith-Agaran, Nakashima, Rhoads, Saiki, Souki



The Senate Committee on
Veteran Affairs & Military Installations

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Brian Birdwell
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Wendy Davis
Craig Estes
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March 16, 2011

Hawaii House of Representatives
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Committee Members:

As the author of Senate Bill 393 in the Texas Legislature, I am extremely pleased to learn that Hawaii is filing House Bill 56.

After hearing of the heartbreak felt by so many families, I was compelled to help the children of military members who are deployed remain connected with their non-custodial parent's family. This legislation, similar to Hawaii's HB 393, allows visitation rights for grandparents with a judge's order.

Since the bill's passage in 2005, the protection has been proven effective in reinforcing family ties for children whose parents are mobile. I am pleased to hear that Hawaii is pursuing this law which ultimately, and most importantly, focuses on the well-being of children.

Sincerely,

A handwritten signature in black ink that reads "Leticia Van de Putte".

Senator Leticia Van de Putte, R. Ph.
LVP/fw

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**TESTIMONY OF THE FAMILY LAW SECTION, HAWAII STATE
BAR ASSOCIATION, IN FAVOR OF HOUSE BILL NO. 56, HD2,
RELATING TO CHILD VISITATION**

Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Conference Room 016, State Capitol
March 17, 2011, 1:45 p.m.

Good morning Senators:

My name is Steven L. Hartley and I am the Vice Chair/Chair Elect of the Family Law Section of the Hawaii State Bar Association. I submit this written testimony on behalf of the Family Law Section.

The Family Law Section is comprised of over one hundred attorneys who practice law in the Family Court. The majority of us handle all types of family law matters, including divorce, paternity, domestic violence and guardianship cases. As a Section, our testimony represents the views of our members.

In this regard, we support HB 56, HD2 because it addresses the heretofore-unresolved issue of grandparent visitation rights. The bill is also written to address and resolve the Hawaii Appellate Court's prior statements concerning the statute's constitutionality.

Thank you for allowing us to present our written testimony.



HB56 HD2
RELATING TO CHILD VISITATION
Senate Committee on Human Services

March 17, 2011

1:45 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB56 HD2, which would permit family court to award reasonable visitation to grandparents if denial of visitation would cause significant harm to the child. It establishes a rebuttable presumption that visitation decisions made by a parent are in the best interests of the child and that it may be rebutted by clear and convincing evidence. It also identifies factors the court may consider in awarding visitation.

This measure is a step in the right direction to address and clarify current grandparent visitation statutes. For Native Hawaiians, it is a cultural practice to care for members of the extended family, including minor children. Often times, it is customary for grandparents to adopt or hānai their grandchildren. When a grandparent adopts their grandchildren it is an opportunity for family customs and traditions to be passed down to future generations. At the same time, it provides stability to their grandchildren. Although it is culturally appropriate for grandparents to have a relationship with their grandchildren, our primary concern is the protection of the child. And we encourage that the committee consider all possible safeguards to ensure the protection of the child.

OHA urges the committee to PASS HB56 HD2. Mahalo nui for the opportunity to testify.

G. Barbara Haia
94-1083 Kepakepa Street
Waipahu, HI 96797

Senator Chun Oakland, Senator Les Ihara Jr. and Members of the Senate Human Services Committee

Testimony in support of HB56 HD2

As a Native Hawaiian, a grandmother and a social worker in Child Welfare Services (CWS), I want to express my support for this bill. In Hawaii, ohana is very important and we as Hawaiians know how important our tutus are for us as they provide all the other lessons in life that parents may not be able to do because of work and time constraints. We can not disconnect our children from all the knowledge of their ancestors which they receive through their tutus.

Sometimes there are situations where families may need special help like ho'oponopono, ohana conferencing, therapy or counseling in order to repair the damage done to relationships between grandparents and adult children. But, in the best interest of a child is the connections they have with their family members which includes extended family members as long as they are safe. In my work at CWS, I experience young adults looking to connect with their extended family members as they move into adulthood. Imagine if you were disconnected from your parents, grandparents, aunties, uncles and cousins, how would you feel?

Thank you for the opportunity to be able to support this bill.

G. Barbara Haia