

JAN 18 2013

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 met:

8 (1) This State is the home state of the child at the time
9 of the commencement of the proceeding; and

10 (2) [~~Reasonable~~] Denial of reasonable visitation rights
11 [are in the best interests of] would cause significant
12 demonstrable harm to the child.

13 (b) In ruling on the petition, the court shall consider
14 factors, including the following:

15 (1) The nature and extent of any pre-existing relationship
16 between the child and the grandparent;



- 1 (2) Whether the grandparent has previously been granted
2 visitation by the child's parent or custodian and, if
3 so, the nature and extent of the visitation;
- 4 (3) Whether the grandparent has previously been awarded
5 visitation rights or custody of the child by a court;
- 6 (4) Whether the child has resided with the grandparent,
7 either alone or with a parent and if so, how recently
8 and for how long;
- 9 (5) Whether the grandparent has provided financial support
10 to the child, including financial support for food,
11 clothing, education, or medical, dental, or mental
12 health care;
- 13 (6) If the parent or custodian has denied the grandparent
14 visitation or substantially restricted visitation
15 previously granted and whether the reason given, if
16 any, bears on the grandparent's ability to safely care
17 for the child during visitation or relates to an issue
18 between the grandparent and parent not directly
19 related to the safe care of the child during
20 visitation;
- 21 (7) All relevant factors in the safe family home factors
22 under section 587A-7;



1 (8) All relevant factors under section 571-46(a)(9) and
 2 (10) as they pertain to family violence committed by
 3 the grandparent or grandparents; and
 4 (9) Whether the grandparent or grandparents have
 5 previously violated or assisted a parent of the child
 6 in violating a temporary restraining order or
 7 protective order.

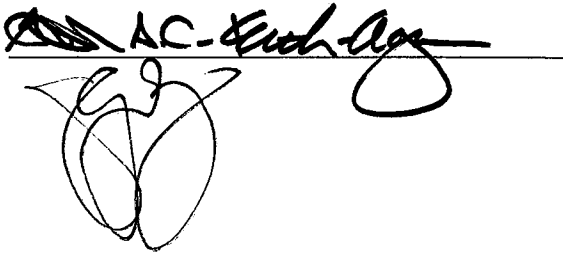
8 (c) No hearing for an order of reasonable visitation
 9 rights under this section shall be had unless each of the living
 10 parents and the child's custodians [~~shall~~] have had due notice,
 11 actual or constructive, of the allegations of the petition and
 12 of the time and place of the hearing thereof.

13 (d) An order made pursuant to this section shall be
 14 enforceable by the court, and the court may issue other orders
 15 to carry out these enforcement powers if in the best interests
 16 of the child."

17 SECTION 2. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~AC~~ AC - Each Day


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Report Title:

Child Custody; Grandparent Visitation

Description:

Permits the family court to award reasonable visitation rights to grandparents if denial of visitation would cause significant demonstrable harm to the child. Identifies factors the court shall consider before ruling to award grandparents visitation rights.

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

