

Honolulu, Hawaii

March 14, 2016

RE: S.B. No. 2409
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2409, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the guidelines whereby grandparents are awarded visitation rights to their grandchildren by:

- (1) Deleting duplicative provisions awarding grandparents reasonable visitation rights;
- (2) Adding as a prerequisite to awarding visitation that the court finds that awarding custody to a grandparent is in the best interest of the child and that denial of reasonable grandparent visitation rights would cause actual or potential harm to the child; and
- (3) Clarifying that if the grandparents of a child violate the terms and conditions of an order awarding reasonable visitation rights, the grandparents shall be subject to sanctions or contempt of court.

The Department of the Attorney General and two individuals provided comments on this measure.



Your Committee has amended this measure by:

- (1) Amending the findings required for an award of grandparent visitation to include a showing of significant harm if visitation were denied;
- (2) Providing that the rebuttable presumption that a parent's decision regarding visitation is in the best interest of a child may be rebutted by a preponderance of the evidence that denial of reasonable grandparent visitation rights would cause significant harm to the child; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 2409, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2409, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

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



DEE MORIKAWA, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 1027-16

Record of Votes of the Committee on Human Services

Bill/Resolution No.: <u>SB 2409, SDI</u>	Committee Referral: <u>HUS, JUD</u>	Date: <u>3-1-16</u>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MORIKAWA, Dee (C)	—			
2. KOBAYASHI, Bertrand (VC)	—			
3. BELATTI, Della Au	—			
4. CREAGAN, Richard P.	—			
5. HASHEM, Mark J.	—			
6. JORDAN, Jo				—
7. OSHIRO, Marcus R.				—
8. FUKUMOTO CHANG, Beth				—
TOTAL (8)	<u>5</u>	<u>0</u>	<u>0</u>	<u>3</u>

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
_____ committee acronym(s)

Vice Chair's or designee's signature:

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