

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 422
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 422, S.D. 1, 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 provide guidelines for the court to consider in awarding visitation rights to grandparents.

Specifically, this measure:

- (1) Clarifies that as a prerequisite to awarding visitation rights to grandparents, the court must find that:
 - (A) Awarding visitation to a grandparent is in the best interest of the child; and
 - (B) Denial of reasonable grandparent visitation rights would cause significant harm to the child;
- (2) Establishes a rebuttable presumption that a parent's decision regarding visitation is in the best interest of the child;
- (3) Clarifies that, in awarding reasonable grandparent visitation, the court shall be guided by all standards,



considerations, and procedures for parent visitation under section 571-46, Hawaii Revised Statutes; and

- (4) Provides that a violation by a grandparent or grandparents of the terms and conditions of an order awarding reasonable visitation rights is subject to sanctions as determined by the court and in accordance with section 571-81, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from two concerned individuals.

Your Committee finds that grandparents are taking on increasing responsibilities in helping to raise their grandchildren, especially when the children's own parents are unable or unwilling to do so due to the parents' need to work or attend school, or the parents' abandonment, mental disorder, substance abuse, or incarceration. Grandparents can help to foster a child's healthy emotional and psychological development and further a child's education. Your Committee believes that this measure recognizes the importance of grandparents in a child's life.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 422, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 422, SD1	SDC, WAM	27 Feb 2017		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)				/
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUE, Lorraine R.				/
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn				/
TOTAL	8			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes