

Honolulu, Hawaii

FEB 04 2019

RE: S.B. No. 479

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 479 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) Require a finding that denial of reasonable grandparent visitation rights would cause significant harm to the child as a condition of awarding grandparent visitation rights;
- (2) Clarify procedures for an order awarding reasonable grandparent visitation rights; and
- (3) Specify that a violation of the terms and conditions of the order is punishable as contempt of court.

Your Committee received testimony in support of this measure from seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that grandparents are taking on increasing responsibilities in helping to raise their grandchildren, especially when the children's parents are unable or unwilling to do so as a result of a lack of financial self-sufficiency, mental disorder, substance abuse, or incarceration.

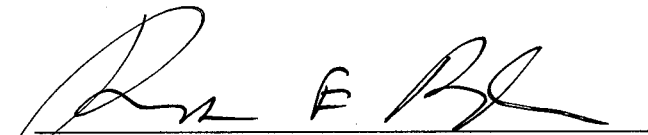


Grandparents may foster a child's healthy emotional and psychological development, and positively influence a child's well-being.

Your Committee further finds that the current version of section 571-46.3, Hawaii Revised Statutes, was held unconstitutional by the Hawaii Supreme Court in *Doe v. Doe*, 116 Haw. 323 (2007). The Supreme Court in *Doe* ruled that section 571-46.3, Hawaii Revised Statutes, was unconstitutional because it did not require the grandparent who was petitioning for visitation to show that the denial of visitation would cause significant harm to the child. This measure therefore cures the constitutional concerns of section 571-46.3, Hawaii Revised Statutes, and clarifies the Legislature's intent to recognize the special role grandparents play in the lives of children by allowing the court to award visitation to a grandparent if the court finds that denial of reasonable visitation rights would cause significant harm to the child.

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. 479 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



RUSSELL E. RUDERMAN, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 479</b>	Committee Referral: <b>HMS, JDC</b>	Date: <b>1/30/19</b>		
<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
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <span style="font-family: cursive; font-size: 1.2em;">Karl Rhoads</span>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes