

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2858  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2858 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 allow grandparents of a minor child to be awarded reasonable visitation rights when the child's parent is unable to exercise parental visitation.

Your Committee received testimony in support of this measure from the Grandparents Rights Hawaii Campaign and three individuals.

Your Committee finds that a close relationship between grandparents and grandchildren can be mutually beneficial for the health and well-being of both parties. Grandparents, whose parenting and intense work commitments have usually passed, can offer the time and undivided attention that can be challenging for busy parents. Through interaction with grandparents, children gain a sense of history and a vital connection to the past, while learning that they can love and depend upon someone other than their parents. Correspondingly, interaction with grandchildren encourages many grandparents to remain active, educate themselves on important issues to children, and protect their own health.



In those instances where a child's parent dies, is in a coma, is incarcerated, or is otherwise unable to visit with the child, the child should not be deprived of the affection, history, or affinity of that parent's family.


Thus in those limited instances, your Committee finds that it is in the best interest of the child to have grandparents visit.

Your Committee further finds that many grandparents in Hawaii desire to maintain their relationship with or assist in caring for their minor grandchildren when their child who is a parent of the minor, cannot otherwise provide the necessary care for various reasons, including death and incarceration. This measure will allow grandparents to petition for and be awarded reasonable grandparent visitation rights in such circumstances, while preserving the fundamental right of parents to make decisions concerning the care, custody, and control of their children, by setting a rebuttable presumption that a parent's decision regarding visitation is in the best interest of the child.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2858, S.D. 1, and be referred to your Committee on Judiciary.

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



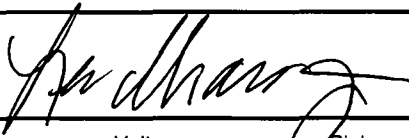
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JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB 2858</b>	Committee Referral: <b>HMS, JDC</b>	Date: <b>02/03/2022</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 type="checkbox"/> Pass, unamended 2312					
<input checked="" type="checkbox"/> Pass, with amendments 2311					
<input type="checkbox"/> Hold 2310					
<input type="checkbox"/> Recommit 2313					
Members		Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)		✓			
IHARA, Jr., Les (VC)		✓			
ACASIO, Laura		✓			
MISALUCHA, Bennette E.		✓			
FEVELLA, Kurt					✓
<b>TOTAL</b>		<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Chair's or Designee's Signature: 					
<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