

JAN 20 2023

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# 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~~  
8 ~~met.~~] findings are made:

9 (1) [~~This~~] The State is the home state of the child at the  
10 time of the commencement of the proceeding; and

11 (2) [~~Reasonable visitation rights are in the best~~  
12 ~~interests of the child.~~] The petitioner's child, who  
13 is a parent of the minor child, is otherwise unable to  
14 exercise parental visitation of the minor child due to  
15 incarceration or death.

16 (b) No hearing for an order of reasonable visitation  
17 rights under this section shall [~~be had unless~~] commence until



1 each of the living parents and the child's custodians [~~shall~~  
2 ~~have had~~] are provided due notice, actual or constructive, of  
3 the allegations of the petition and of the time and place of the  
4 hearing [~~thereof~~].

5 (c) In any proceeding on a petition filed pursuant to this  
6 section, there shall be a rebuttable presumption that a parent's  
7 or custodian's decision regarding visitation is in the best  
8 interest of the child. The presumption may be rebutted by a  
9 preponderance of the evidence that denial of reasonable  
10 grandparent visitation rights would cause significant harm to  
11 the child.

12 (d) In awarding reasonable grandparent visitation, the  
13 court shall be guided by all standards, considerations, and  
14 procedures for parent visitation rights under section 571-46.

15 (e) An order [~~made~~] issued pursuant to this section shall  
16 be enforceable by the court, and the court may issue other  
17 orders to carry out these enforcement powers if in the best  
18 interests of the child.

19 (f) Any person who violates the terms and conditions of an  
20 order awarding reasonable grandparent visitation rights pursuant



1 to subsection (a) shall be subject to sanctions as determined by  
2 the court and in accordance with section 571-81."

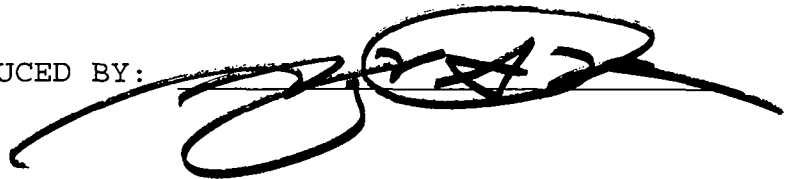
3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over the text "INTRODUCED BY:". The signature is highly cursive and appears to be the name "J. Star".

# S.B. NO. 406

**Report Title:**

Child Custody; Grandparent Visitation

**Description:**

Allows grandparents of a minor child to petition the court for an order granting reasonable visitation rights when the child's parent is unable to exercise parental visitation due to death or incarceration. Sets forth procedures, considerations, and standards for the court to grant grandparent visitation rights. Specifies that any person who violates the terms and conditions of a court order granting reasonable grandparent visitation rights may be held in contempt of court.

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

