
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; and

16 (3) Denial of reasonable grandparent visitation rights
17 would cause significant harm to the child.



1 (b) No hearing for an order of reasonable visitation
2 rights under this section shall [~~be had unless~~] commence until
3 each of the living parents and the child's custodians [~~shall~~
4 ~~have had~~] are provided due notice, actual or constructive, of
5 the allegations of the petition and of the time and place of the
6 hearing [~~thereof~~].

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

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

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

20 (f) Any person who violates the terms and conditions of an
21 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.



Report Title:

Child Custody; Grandparent Visitation; Best Interest of the Child

Description:

Allows the court to award reasonable visitation rights to a petitioning grandparent of a minor child when the child's parent is unable to exercise parental visitation due to death or incarceration and denial of reasonable grandparent visitation rights would cause significant harm to the child. Requires the court to follow best interest of the child procedures, considerations, and standards when granting grandparent visitation rights. Specifies that any person who violates the terms and conditions of a court order granting reasonable grandparent visitation rights are subject to sanctions. (HD2)

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