

**SB-406-SD-1**

Submitted on: 2/26/2023 5:59:00 AM

Testimony for JDC on 3/1/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Karen A. Wyle	Individual	Support	Written Testimony Only

Comments:

I am an appellate attorney with a longterm interest in the constitutional and public policy issues attendant on nonparent visitation litigation. I have submitted amicus briefs to the U.S. Supreme Court and many state supreme courts in cases involving these issues, and have testified before quite a few state legislative committees where bills to expand or restrict nonparent visitation litigation were being considered. I am pleased to testify in support of HB 406 SD1, with one caveat.

This bill would limit the number of potentially ruinous lawsuits impinging on fundamental, constitutionally protected parental rights, and would also clarify that the appropriate "clear and convincing evidence" standard is used. As amended, it would require the petitioner to prove, by that standard, that the visitation (if any) chosen by the custodial parent(s) would be harmful to the child. Grandparent visitation lawsuits are very likely to be as disruptive, intrusive, burdensome, and fiercely fought as divorce litigation. Resources that should go toward the children's education, extracurricular activities, and enrichment opportunities, or even their basic needs are instead consumed by legal fees. It is not uncommon for the expense to make it necessary for parents to take second jobs, thus reducing the time they can spend with the children. Moreover, any chance of a future beneficial and nurturing relationship between the children and the petitioner is greatly reduced as the petitioner acquires the status of an opponent, even an enemy. Parents may have many legitimate reasons for limiting or denying visitation with a nonparent. That nonparent may ignore parental rules and concerns; may facilitate contact with, e.g., problematic or incarcerated other relatives; may attempt to poison the child's mind against a stepparent or a parent's significant other; or may, good faith notwithstanding, be in denial about his or her physical and cognitive faculties and ability to safely care for a child.

My one caveat concerns section (d), which would require the trial court to be "guided by all standards, considerations, and procedures for parent visitation rights. . . ." These standards are designed for and appropriate to litigation concerning parental visitation, and are in many respects not suited to awards of the necessarily more limited visitation rights some grandparents may receive. It also includes, in section (7), language inconsistent with this bill, a problem which should at some point be corrected, and which will become more acute if section (d) is included in its present form.

I would be happy to discuss this matter further with any committee member or with their staff. I can be reached at kawyle@att.net or by phone at 812-345-9391. Thank you.



Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Committee on Judiciary  
Re: SB 406

February 27, 2023

**In support of SB 406**

Aloha Chair Karl Rhoads, Vice Chair Mike Gabbard and Members of the Committee on Judiciary,

My name is Nicole De Jesus, and I am a graduate student at the University of Hawai'i at Mānoa Thompson School of Social Work and Public Health. I current work full-time in the position of Case Manager I at a non-profit organization based in Kalihi.

**I am testifying in favor of SB 406** in allowing grandparents to file a petition with the court for an order of reasonable visitation rights if the parent of the minor is unable to file due to incarceration or death.

I have worked with at risk youth for over 15 years, in New York Cities Juvenile Justice systems and in Hawai'i's. **Children who have had parents incarcerated or the death of a parent are experiencing a traumatic event in their lives, and it is imperative for that judiciary to pass laws that practice trauma informed care.** Research has shown that part of building a resilient child is for that child to have supportive adult relationships in their lives. Grandparents often seen as “stress buffers”, “confidants”, “roots”, family “watchdogs” “arbitrator” and “supporters”.

Children have a right to familial relationships and to learn where they come from. Grandparents provide Grandchildren with important cultural and ancestral lessons, important medical history as well as a sense of belonging.

For the best interest of the children and development I urge the committee to pass SB406. Mahalo nui for reviewing my testimony.

Sincerely,  
Nicole De Jesus

**LATE**

**SB-406-SD-1**

Submitted on: 2/28/2023 11:51:51 AM

Testimony for JDC on 3/1/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Devany Encencio	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee,

I, Devany Encencio, believe SB406 regarding child visitation for grandparents should be passed because I have grown up half my life raised by my grandparents. They have shown me so much love, support and have been there for me since I was a baby. I don't know what closer bond I would have if I didn't have them. I thank you for your time, love and support you have shown.

Mahalo,

Devany Encencio

**SB-406-SD-1**

Submitted on: 2/28/2023 1:41:27 PM

Testimony for JDC on 3/1/2023 9:30:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tyaony	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice chair and members of the committee.

My names is Tyaony Luis-Kahalioumi

I believe this bill can benefit us / Hawaii because our children needs not just one side of our Ohana but both. I support grandparents right because they also should be able to be with our babies, they have raised their children whom have their grandchildren, and they deserve the right to be apart of there grandchildren life, I watch some grandparents fight hard for their grandchildren to be apart of their life. My grandparents fought for my daughter threw tears and heartache, I am not asking for grandparents to take full custody but have the right to see and have quality time with their grandchildren.

I would like to thank you folks for this opportunity to testify.

PLEASE APPROVE GRANDPARENTS RIGHTS ESPECIALLY FOR THE GRANDPARENTS THAT HAVE MADE AN EFFORT FOR THE GRANDCHILDREN

**LATE**

**SB-406-SD-1**

Submitted on: 2/28/2023 5:36:49 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tristy-lee Paiva	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair & Committee,

My name is Tristy-lee Paiva resident of Hilo, Hawaii. I support bill SB406 for personal reasons & it has come to my attention that in Hawai'i there are no Grandparents rights. My Grandparents helped raise me when my mother was at work, they helped care for my cuts when I fell, made our favorite meals whenever we would ask for it or just do it because they know we'd have a huge smile on our face & in our stomachs. I just couldn't bear to not have my Grandparents there for me, especially in my childhood. It really shook me & broke my heart when I found out about this & to know several Grandparents who can't see their Grandchildren due to this law in Hawai'i. Divorce, separation, or one parent's death can affect a grandparent's relationship with a grandchildren, especially if the surviving parent tries to limit their time together & I feel like you could make a lot of Grandparents happy to see their Grandchildren again if they just have a fighting chance to do so.

Mahalo for your time,

Tristy-lee Paiva

**SB-406-SD-1**

Submitted on: 2/28/2023 6:48:51 PM

Testimony for JDC on 3/1/2023 9:30:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Silva	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Members of the Committee,

My name is Cheryl K. Silva, I'm 42 years old and I reside in Hilo, Hawaii. I am submitting my testimony in support of Bill SB406. I was born and raised here in Hilo and my parents were divorced by the time I reached middle school. Throughout the divorce and after, my maternal grandmother was a great support for me and my siblings. Although I am not a grandparent, I know the importance of having a loving grandparent in a child's life. My own grandmother was a companion, teacher, story teller, counselor, cook, supporter and more to me. I pray other children can be just as blessed as I was and other loving grandparents have the chance to be the same to their grandchildren.

A child who receives the love and time growing up with both maternal and paternal sides of their family, is a blessing. It's from family we learn basic skills, both family and cultural traditions and one's genealogy. A child learns and gains morals and values as well. Grandparents as the heads of the family, with more life experiences and knowledge are the best to help parents guide the children. One less child who is not suffering from feeling abandoned, anger issues, not knowing who they are, where they come from, can only be a benefit to oneself, family and community.

I know there are some cases where grandparents may have done harm to their grandchildren. But, I believe every case is different and we must not let a few bad ones ruin it, for the ones who deserve to be a part of their grandchildren's life. Why should a child lose half a family, because someone else says so. The saying "innocent until proven guilty" should be applied to these cases as well. That way all grandparents have a fighting chance to be a part of their grandchildren's lives. There are different ways to go about monitoring each case while it is opened. There is supervised visits, counseling for the children, so they can be heard as well and family counseling. Those are just some of the examples. While I understand it takes time and money, every child is worth those efforts and every grandparent deserves to have a chance.

Thank you all for your time and consideration,

Cheryl K. Silva

1934 Komohana St., Hilo, HI 96720

808-339-4975



**SB-406-SD-1**

Submitted on: 2/28/2023 7:34:47 PM

Testimony for JDC on 3/1/2023 9:30:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Timberly Paiva	Individual	Support	Written Testimony Only

Comments:

Aloha. My name is Timberly Paiva & I support Senate Bill 406. The reason I support grandparent visitation rights in Hawai'i because when my older sister took her life and left behind my 3 year old niece which my mom & dad practically raised, her dad took her away from us 2 days after my sister passed away out of spite & selfishness & not in the best interest of my niece. If anyone deserves to have my niece it's my parents they had her every step of the way including while my nieces father went to jail then sobered up only to take her away from us. Losing my sister & my niece is something my family will never recover from. But because we have suffered such a great loss that we fight. Not only for us but for all grandparents going through this in Hawai'i.

**LATE**

**SB-406-SD-1**

Submitted on: 2/28/2023 8:30:57 PM  
Testimony for JDC on 3/1/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Zasha Nobriga	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair & Members of the Committee,

I, Zasha Nobriga am writing this letter on behalf of the Grandparents Rights SB406.I myself have recently got guardianship of my granddaughter on November 18,2022. I believe that Grandparents should have rights with our grandchildren even if there parents are not physically here. I speak for many Grandparents here in Hawaii we should be able to LOVE our grandchildren freely.

Lots of loveanf Aloha ,

ZASHA NOBRIGA

**LATE**

**SB-406-SD-1**

Submitted on: 2/28/2023 9:00:47 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Misty. D Kuheana	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee,

My name is Misty Kuheana and I strongly support SB406 SD-1 regarding CHILD/GRANDPARENTS VISITATION

On July 15, 2020 my daughter took her own life after a long battle of drug use and mental illness. She was only 23 years old. But that would not be the only tragedy our family would suffer because on that same day, her 3 year old daughter which I raised was taken from us by her biological father who stopped all communication with us.

4 months later I took him to court and sued for visitation rights where I was told by the judge that I was "At the fathers whim"... And that was it!.. No mediation, No questions, No consideration for the bond we shared or even her best interest. This is unfair and unjust! I was devastated.

In life we face many losses and even though unfair goes on. But we should not be denied access to our own grandchildren . Since my daughters passing I was blessed with a grandson and another on the way. im sure I will be blessed with many more, but our ohana will never be complete until she is reunited with all of us.

I strongly urge you to pass SB406 SD-1 to help me and grandparents in my situation reunite with our grandchildren.

Mahalo for the opportunity to testify.

Resprctfully,

Misty Kuheana

1834 Auwae rd. Hilo, HI 96720

**SB-406-SD-1**

Submitted on: 2/28/2023 8:26:03 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
shayzon-Jay Castillas	Individual	Support	Written Testimony Only

Comments:

I Shayzon-Jay Castillas,

I am a grandchild writing on behalf of Grandparents Rights. I full believe that grandparents are very important, they are the heart and soles of all families and I believe that every child should have a chance to be loved by their grandparents regardless if their parents are here physically or not.

With All The Love From a Grandchild

- Shayzon Castillas

Aloha Chair, Vice Chair and members of the Committee,

I am in support of SB406 and here are my reasons why.

As a keiki growing up in Hawaii, I was brought up close to my kupuna. I thrived off the relationship and it made me who I am today. I can say it is a very important for kupuna to have a close bond with their mo'opuna because it will instill kuleana and aloha to the upbringing of keiki. Unfortunately Hawaii does not have grandparent's visitation rights and I would like for you to take into consideration SB406 for the future generation of mo'opuna.

Mahalo for the opportunity to speak on behalf of my support for SB406.

Michelle Galdones





**LATE**

2/28/23

Aloha Chair, Vice Chair and members of the Committee, On behalf of Grandparents Rights Hawaii Campaign, I strongly am in support of bill SB406

**I ulu no ka lala i ke kumu**

**The branches grow because of the trunk.**

**‘Olelo No‘eau- #1261**

Referring to the above ‘olelo No‘eau grandparents lay the foundation for their mo‘opuna in order for them to grow. In Hawai‘i there are many grandparent’s whom would like to take on the responsibility in caring or to maintain visitation rights for their mo‘opuna in circumstances such as; death, incarceration, neglect, abuse etc.. How can something so crucial for a keiki’s success in life be denied!

Please pass bill SB406. This bill will allow grandparents to have the opportunity to be present in their mo‘opuna life. This pilina is so critical in the upbringing of keiki who have experienced loss, illness, trauma etc.. This promotes positive relationships with the ‘ohana, keiki and others whom is very special to keiki. This is putting our mo‘opuna first! Guiding them on the path to having a successful life as an adult!

**Photos- Grandparents Rights Hawaii sign-waving**



Mahalo in allowing me share the reasoning I support SB406

Ashlynn Victorino on behalf of Grandparents Rights Hawaii Campaign