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# A BILL FOR AN ACT

RELATING TO CHILD CUSTODY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 571, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§571-    Visitation by electronic communication. (a) An  
5 award of visitation rights to a parent may provide for  
6 visitation by electronic communication.

7           (b) In awarding visitation by electronic communication, a  
8 court shall consider:

9           (1) Whether visitation by electronic communication is in  
10 the best interests of the child, which shall be  
11 determined by application of the criteria set out in  
12 section 571-46;

13           (2) Whether the equipment necessary for electronic  
14 communication is available, accessible, and affordable  
15 to the parents of the child;

16           (3) All relevant factors under section 571-46(a) (9) and  
17 (10) as they pertain to family violence committed by a  
18 parent;



1           (4) Whether a parent has previously violated a temporary  
2           restraining order or protective order; and

3           (5) Any other factors the court deems appropriate in  
4           determining whether to grant visitation by electronic  
5           communication.

6           (c) In awarding visitation by electronic communication,  
7           the court may set guidelines, including the hours during which  
8           the communication may take place, the allocation of costs  
9           between the parents in implementing electronic communication  
10          with the child, and the furnishing of access information between  
11          parents necessary to facilitate electronic communication.

12          (d) Electronic communication may be used to supplement  
13          visitation with the child.

14          (e) Electronic communication shall not be used to:

15          (1) Replace or substitute custody or visitation, except  
16          where the parent seeking visitation by electronic  
17          communication is unable to participate in physical  
18          visitation due to circumstances that may include  
19          military deployment; or

20          (2) Justify or support the relocation of a parent.



1           (f) Visitation by electronic communication between the  
2 child and parent may be subject to supervision as ordered by the  
3 court."

4           SECTION 2. Section 571-2, Hawaii Revised Statutes, is  
5 amended by adding a new definition to be appropriately inserted  
6 and to read as follows:

7           "Electronic communication" means communication that is  
8 facilitated by any wired or wireless technology via the Internet  
9 or any other electronic media, including communication by  
10 telephone, electronic mail, instant messaging, video  
11 conferencing, and web camera."

12           SECTION 3. New statutory material is underscored.

13           SECTION 4. This Act shall take effect on July 1, 2051.



**Report Title:**

Child Custody and Visitation; Electronic Communication

**Description:**

Clarifies that awards of visitation rights may include visitation by electronic communication. Establishes factors that shall be considered and authorizes courts to set guidelines for visitation by electronic communication. Effective July 1, 2051. (SD2)

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

