

JAN 21 2022

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 is
13 the parent of the minor child is otherwise unable to
14 exercise parental visitation of the minor child.

15 (b) Notwithstanding subsection (a), the court may award
16 reasonable grandparent visitation rights if the parent is unable



1 to exercise their parental right of visitation due to
2 incarceration or death.

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

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

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

18 (f) An order made pursuant to this section shall be
19 enforceable by the court, and the court may issue other orders
20 to carry out these enforcement powers if in the best interests
21 of the child.



1 (g) In the case where a grandparent or the grandparents of
2 a minor child violates the terms and conditions of an order
3 awarding reasonable visitation rights pursuant to subsection
4 (a), the grandparent or grandparents shall be subject to
5 sanctions as determined by the court and in accordance with
6 section 571-81."

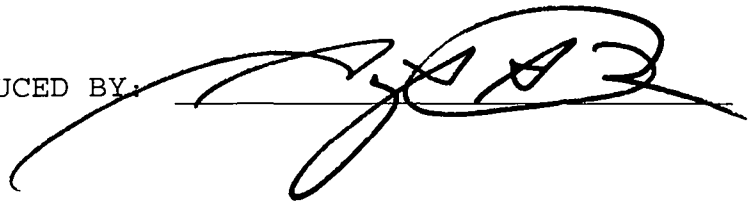
7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and appears to be the name 'J. A. A. 2'.

S.B. NO. 2858

Report Title:

Child Custody; Grandparent Visitation

Description:

Requires a parent be unable to exercise their parental visitation rights for a court to award visitation rights to a grandparent. Clarifies procedures for an order awarding reasonable grandparent visitation rights. Specifies that a violation of the terms and conditions of the order is punishable as 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.

