
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 met:

8 (1) This State is the home state of the child at the time
9 of the commencement of the proceeding; and

10 (2) Reasonable visitation rights are in the best interest
11 of the child[~~-~~] or that the denial of reasonable
12 visitation rights would cause demonstrable harm to the
13 child.

14 (b) In any proceeding on a petition filed pursuant to this
15 section, there shall be a rebuttable presumption that the
16 parent's decision regarding visitation of the minor child is in
17 the best interests of the child. The presumption may be
18 rebutted by a preponderance of the evidence that the denial of



1 reasonable visitation rights would cause demonstrable harm to
2 the child.

3 (c) The court shall consider the following factors when
4 ruling on a petition for a grandparent's visitation rights of a
5 minor child:

6 (1) The nature and extent of any pre-existing relationship
7 between the child and the grandparent;

8 (2) Whether the child's parent or custodian has previously
9 granted visitation of the child to the grandparent and
10 the nature and extent of the visitation;

11 (3) Whether the grandparent has previously been awarded
12 visitation rights or custody of the child by a court;

13 (4) Whether the child has ever resided with the
14 grandparent, either alone or with a parent and the
15 dates and extent of the residence;

16 (5) Whether the grandparent has ever provided financial
17 support to the child, including finances for food,
18 clothing, education, or medical, dental, or mental
19 health care;

20 (6) The grandparent's physical and mental ability to
21 safely care for the minor child during visitation;



H.B. NO. 112

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H.B. NO. 172

Report Title:

Child Visitation; Rebuttable Presumption; Grandparents

Description:

Establishes a rebuttable presumption that visitation decisions made by a parent of the child are in the best interests of the child. Presumption can be rebutted by a preponderance of the evidence of demonstrable harm to the child. Provides factors the court shall consider when ruling on a petition for child visitation by the grandparent.

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

