

Grandparents

Do grandparents have rights to see grandchildren?

It isn't just the couple getting the divorce that proceedings can be stressful on. Often the extended family such as grandparents can be affected, particularly if they have a close relationship with the grandchildren and worry that their ability to see them will be affected.

In some cases where it isn't possible or appropriate for children to see either or both of their parents, grandparents can be given separate contact. However, there is not a presumption of contact between grandparents and grandchildren.

While grandparents do not have legal rights as such, they can apply to the Court for contact arrangements to be made. Grandparents have first of all to apply for permission, before then being allowed to proceed with their application for contact (access) to their grandchildren. Expert advice should be sought if you are in this position.

How do I help my grandchildren when their parents separate?

Offer support and guidance. Try not to be judgemental of either parent and encourage them to have a relationship with both parents.

Do:

- respect the confidence of your grandchildren – they may find it easier to talk to you
- provide a safe space for them
- help out by looking after your grandchildren, as your child will be feeling emotionally and physically drained – assisting with domestic chores and childcare can be a huge help
- be careful about giving advice, unless this is something you have been asked for – your perception of events, however valid, will be different.

Don't:

- give advice unless your son or daughter asks you specifically for your help
- criticise either parent to your grandchildren

Court applications for grandparents' contact (access) arrangements

A court application by grandparents is very similar to that by a parent seeking contact arrangements.

The main difference is that, unlike a parent, a grandparent or other close family member will require the permission (also called "leave") of the court to make the application unless the child in question has been living with them for at least three years. A hearing will be listed at which the court will consider the following:

- the nature of the proposed application (why it is being made)

- the applicant's connection with the child (the closer the relationship the more likely the application for grandparents' access rights will be heard)
- any risk there might be of that proposed application disrupting the child's life to such an extent that he or she would be harmed by it