

Do I have any legal rights to see my grandchildren?

In short, grandparents have no automatic legal rights nor do they have Parental Responsibility for their grandchildren. Parents do have a legal right to choose who their children spend time with and it is important to try and reach an amicable agreement with the parents before consideration is given to recourse to the Court.

Many grandparents often find themselves ostracised and prevented from spending time with their grandchildren when their children's marriage or relationship break down. Grandparents can seek permission from the Court to apply for a Child Arrangements Order to spend time with their grandchildren in circumstances where it is not possible to reach arrangement directly with the parents.

The Court will consider the following factors when deciding if permission should be granted for grandparents to proceed in filing an application for a Child Arrangements Order under the Children Act 1989:

1. The grandparents bond and relationship with their grandchildren prior to breakdown in contact.
2. Any risk of harm posed to the child as a result of the application.
3. The nature and level of contact sought by the grandparents.
4. The views of the parents.
5. Any adverse or negative impact of continuing contact between the grandparent and grandchild on the child, parents and extended family members.

Grandparents are commonly granted permission to make an application for a Child Arrangements Order and go on to be treated by the Court in the same way as parents who pursue an application under the Children Act 1989 to see their own children. The Court recognises the role of grandparents will generally enrich a child's life and is committed to maintaining this relationship whenever possible.

If you are a grandparent and would like advice on grandparents rights please do not hesitate to contact our family department on 01384 371622 or email post@wjclaw.co.uk and we would be more than happy to assist you