

What are my rights to see my grandchildren?



Grandparents play an increasingly important role in modern family life, providing advice, experience and, in many cases, significant childcare support to working parents.

As a grandparent, you're probably spending more time with your grandchildren than ever before. But if the family breaks up, what happens to you?

Sadly, a parental separation can have an adverse effect on your relationship, with some finding that they're refused access to their grandchildren altogether.

If this sounds familiar, you're not alone. An estimated one million grandparents in Britain are currently being denied contact with their grandchildren as a result of a family breakdown, feud or bereavement.

However, whilst you may feel helpless, it's important to realise that the courts recognise the positive contribution that grandparents make to a child's life.

It's rare that a court will refuse you contact with your grandchildren, but when it comes to whether you have an automatic right to contact, the answer is sadly not.

So if you've been denied contact with your grandchildren or you're worried about losing contact, what are your rights?

We will look at the options open to you.

Try not to take sides

If the parents are separating and you're anxious about losing contact, your first priority should be to remain neutral.

We would advise approaching either the mum or dad, explain your concerns and reassert your wish to continue having regular contact with your grandchildren.

Our expectation is that most parents will respond favourably to your request and will offer reassurances that contact with your grandchildren will continue.

Be patient

Family breakdown can be enormously stressful and people deal with the pressures of separation in very different ways.

Whilst easier said than done, sometimes what's required is a bit of patience. Give the parents the space they need and it may be that the time spent apart from your grandchildren is only temporary. But if you feel that too much time has passed, or you haven't got the reassurances you were hoping for, speak to your solicitor.

They can draft a simple letter on your behalf that outlines why you feel contact with your grandchildren is so important.

Applying to the court for contact

Estranged parents and those with parental responsibility (some step-parents and guardians, for example) have the right to go to court to seek contact with their children.

Grandparents don't have this automatic right and need to get permission from the court to apply to see their grandchildren.

When you make your application to apply for contact, the court will need to understand several factors, including:

- + The nature of your application
- + The connection between you and your grandchild/grandchildren
- + Whether your application is likely to be disruptive to the children in any way

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Applying for a Court Order

If permission to apply for an order is granted, you can apply for a Child Arrangements Order through the court. A Child Arrangements Order decides when and how you will see your grandchild and will regulate your contact with them.

You should speak to a solicitor specialising in family law before you make an application for a Child Arrangements Order.

If one or both of the parents continue to object to you having contact, you'll need to ask the courts to consider your application.

Court intervention is costly, however, and it certainly offers no guarantees. You should make sure that you've exhausted all other options before going down this route.

In appropriate cases, the court will order a report from CAFCASS (the Children and Family Court Advisory and Support Service). They will consider the circumstances and submit their report for the court to consider as part of their decision making process.

If the court decides that contact between you and your grandchild is in the child's best interest, they will grant a Child Arrangements Order to this effect.

Enforcement of a Child Arrangements Order

It's important to note that the courts are primarily concerned with the wellbeing of the child and agree that it's in their best interest to have contact with the wider family, particularly grandparents.

Given this, most people will comply with a Child Arrangements Order, although there will always be some who are so opposed to the court's orders that they'll defy them.

The most common way for the court to enforce an order is to impose a fine or community service. In extreme cases, the courts can also imprison someone or transfer residence of the child to another parent or relative. This is unlikely though and the court will need to consider the interests of the child very carefully before making any such order.

In any event, make sure that you seek legal advice regarding your options before proceeding down this route.

Further information

If you need to speak to a family solicitor about your grandchildren, call **0117 325 2929** or visit **barcankirby.co.uk**.

BEDMINSTER 25 North St, Bristol BS3 1EN
BISHOPSTON 60 Gloucester Rd, Bristol BS7 8BH
BRISTOL CITY CENTRE Prince House, Bristol BS1 4PS

KINGSWOOD 111/117 Regent St, Bristol BS15 8LJ
THORNBURY 36 High St, Thornbury BS35 2AJ

Barcan+Kirby

📞 0117 325 2929 ✉ hello@barcankirby.co.uk 🌐 barcankirby.co.uk 📱 @barcankirby

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